

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 19<sup>th</sup> May, 2015

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.30 p.m.*

*[The Speaker (Hon. Ethuro) in the Chair]*

### PRAYERS

### PETITIONS

#### PROTECTION OF KENYAN DOMESTIC WORKERS IN SAUDI ARABIA AND THE MIDDLE EAST

**Sen. Haji:** Mr. Speaker, Sir, I rise to seek permission to extend the period given to me to respond to some two petitions presented by Sen. Emma Mbura. One was on the Protection of Kenyan domestic workers in Saudi Arabia and the Middle East.

#### PROTECTION OF FUNDAMENTAL RIGHTS OF FISHERMEN IN BUDALANGI AND FUNYULA CONSTITUENCIES

Mr. Speaker, Sir, the other one was a petition on constitutionally protected rights and freedoms of fishermen and residents of Budalangi and Funyula constituencies who fish at Lake Victoria.

We have not concluded these reports within the 60 days that were allocated. We are asking for more time, so that we carry out investigations with the relevant authorities. Therefore, we are asking for an extension of 30 days for each of the petition.

**The Speaker** (Hon. Ethuro): Hon. Senators, Standing Order No.227(2) says:

“Whenever a petition is committed to a Standing Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the Senate and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petition for not more than twenty minutes.”

This Standing Order does not give provision for an extension. Allow me to consider your request. I will respond to you in the course of the week.

### NOTICES OF MOTIONS

#### MEASURES TO MITIGATE HUMAN-WILDLIFE CONFLICT BETWEEN THE KINNA COMMUNITY OF ISIOLO AND WILDLIFE AT MERU NATIONAL PARK

**Sen. Adan:** Mr. Speaker, Sir, I beg to give notice of the following Motion.

THAT, aware that the fourth Schedule of the Constitution assigns the responsibility of protection of the environment and natural resources to the national Government;

ACKNOWLEDGING THAT Section 5 of the Wildlife Conservation and Management Act, 2013 mandates the Cabinet Secretary to formulate innovative measures for mitigating human wildlife conflict;

FURTHER ACKNOWLEDGING THAT Section 19 of the said Act empowers the County Wildlife Conservation and Compensation Committee to to develop and implement, in collaboration with community wildlife associations, mechanisms for mitigation of human wildlife conflict;

AWARE THAT in the spirit of mutual co-existence, Section 75 of the Wildlife Conservation Management Act, 2013 advocates for recognition of the rights and privileges of communities living adjacent to conservation and protected areas in decision-making and determination on the matter of conservation and management of wildlife resources;

NOTING WITH CONCERN THAT human-wildlife conflict between the Kinna Community of Isiolo County and wildlife at Meru National Park has escalated over the years;

FURTHER NOTING WITH CONCERN THAT the above conflict has led to tension between the community and the Kenya Wildlife Service (KWS) which the community accuses of kidnapping, shooting, torturing, wounding and even killing members of the community;

ALARMED about the latest alleged report that on 18<sup>th</sup> May, 2015, KWS rangers clashed with the Kinna Community demonstrators, shot and killed one demonstrator and wounded several other;

NOW THEREFOR the Senate:-

DIRECTS the Standing Land and Natural Resources Committee to conduct a fact-finding mission regarding the conflict in the area with immediate effect and report back to the Senate within 30 days.

**The Speaker** (Hon. Ethuro): Where is the Chairman of the Committee on Delegated Legislation?

CONSIDERATION OF PUBLIC FINANCE MANAGEMENT  
(NATIONAL GOVERNMENT) REGULATIONS, 2015

**Sen. Sang:** Mr. Speaker, Sir, I beg to give notice of the following Motion.

THAT, the Speaker do now leave the Chair to facilitate consideration of the Public Finance Management (National Government) Regulations, 2015 laid on the Table of the Senate on 17<sup>th</sup> March, 2015.

CONSIDERATION OF PUBLIC FINANCE MANAGEMENT  
(COUNTY GOVERNMENTS) REGULATIONS, 2015

**Sen. Sang:** Mr. Speaker, Sir, I also beg to give notice of the following Motion.

THAT, the Speaker does now leave the Chair to facilitate consideration of the Public Finance Management (County Governments) Regulations, 2015 laid on the Table of the Senate on 17<sup>th</sup> March, 2015.

**COMMUNICATIONS FROM THE CHAIR**

VISITING DELEGATION OF STUDENTS AND TEACHERS FROM  
LODWAR HIGH SCHOOL, TURKANA COUNTY

**The Speaker** (Hon. Ethuro): Hon. Senators, I would like to recognise the presence of teachers and students of Lodwar High School from Turkana County seated in the Public Gallery. They are visiting the Senate today.

As you are all aware, the tradition of receiving and welcoming visitors to Parliament is a long time tradition and one that we will endeavour to continue upholding. On behalf of the Senate and on my own behalf, I extend a warm welcome to the students and teachers of Lodwar High School.

*(Applause)*

VISITING DELEGATION FROM KAJIADO  
COUNTY ASSEMBLY

I am also pleased to acknowledge and to welcome to the Senate, this afternoon, the members and a clerk assistant of Kajiado County Assembly who are seated at the Speakers' Gallery. I request that when their names are called out, they stand so that they are acknowledged in our usual Senate tradition.

Hon. Charity Mosiany – Leader of Delegation;  
Hon. Mwathi Pere;  
Hon. Kipaika Musa;  
Hon. Emily Lesian;  
Hon. Sayianka Kosei; and,  
Mr. David Omwangwe – Clerk Assistant

I take this opportunity on behalf of the Senate and on my own behalf, to wish Members of Kajiado County Assembly a happy and fruitful visit. As we have always informed county assemblies, we have an elaborate programme of capacity building for them and they should avail themselves of this opportunity.

*KAMUKUNJI TO ADDRESS MATTERS CONCERNING  
NATIONAL SECURITY*

I also want to announce that there will be a *Kamukunji* on Thursday, this week at 11.00 a.m. The *Kamukunji* will be about matters of national security. The Committee will be led by the Committee on National Security and Foreign Relations. The Cabinet Secretary for Defence and the Cabinet Secretary for Interior and Coordination of National Government will be present. You are all encouraged to avail yourselves.

**Sen. Mositet:** On a point of order, Mr. Speaker, Sir. I also want to welcome Members of Kajiado County Assembly. I know that they are privileged to be here to see Senators debating. They will also learn more in Committee sessions. I would like to ask them to talk to their other committees to get a good example from what is happening here. They should also come and learn what is happening here.

**STATEMENTS**

CRITERIA USED BY THE SRC IN CLUSTERING DAILY  
SUBSISTENCE ALLOWANCES FOR CIVIL SERVANTS

**Sen. Murungi:** Thank you, Mr. Speaker, Sir. I request for a Statement from the Chairperson of the Committee on Finance, Commerce and Budget as follows:-

The most recent review of rates for allowances in the public service by the Salaries and Remuneration Commission (SRC), dated 10<sup>th</sup> December 2014, specifically on Table 3 of the said circular on subsistence allowances and local travel puts Meru Town in Cluster 3 which covers “all other towns”.

This request is for a comprehensive Statement detailing what factors the SRC considered in arriving at the daily subsistence allowances contained in Table 3 of the SRC circular dated 10<sup>th</sup> December, 2014, Ref. No.SRC/ADM/CIR/1/13/VOL3/126, which I have attached, which includes Meru Town in Cluster 3 while other similar towns like Embu, Kericho, Kisii and Nanyuki are contained in Cluster 2, where higher allowances are being paid.

Mr. Speaker, Sir, it is quite clear that this circular is discriminatory. For example, if a civil servant spends the night in a hotel in Embu, the allowance is Kshs12,000, but if the same civil servant, spends the night in a hotel in Meru, the allowance is Kshs8,000; a difference of Kshs4,000. We now have 5 star hotels in Meru, some of which are even better than those in the surrounding towns. Why is there this kind of discrimination?

My request is whether the Chairperson of the Committee on Finance, Commerce and Budget is aware that this circular is discriminatory, economically disadvantages Meru town, and in fact, constitutes an illegal administrative barrier to trade. I would like

that Statement issued as quickly as possible because business is being paralyzed in Meru Town by that circular.

**Sen. Murungi:** Mr. Speaker, Sir, my second Statement is a request to the Chairperson---

*(Loud Consultations)*

Mr. Speaker, Sir, the Members at the back are consulting too loudly

**The Speaker** (Hon. Ethuro): Order, Senators!

**Sen. Murungi:** Mr. Speaker, Sir, it is Sen. Hassan who is consulting loudly.

**Sen. Hassan:** Mr. Speaker, Sir, it is not me.

**The Speaker** (Hon. Ethuro): Order, Sen. Hassan Omar Hassan! It is obviously you because you are not in your normal location.

Please proceed, Sen. Murungi.

**Sen. Murungi:** Mr. Speaker, Sir, my second Statement is a request to the Chairperson of the Senate Committee on Land and Natural Resources.

**The Speaker** (Hon. Ethuro): What is it, Sen. Kembi-Gitura?

**Sen. Kembi-Gitura:** On a point of order, Mr. Speaker, Sir. I thought that my colleague, Sen. Murungi, would deal with the first Statement, so that with your permission, we could also ride on it because---

**The Speaker** (Hon. Ethuro): Order, Senator! Who has given you the permission? Sen. Murungi dealt with the first Statement and finished. He even asked for a second Statement. He even had an interlude to try to convince Members to listen to him. Senator for Murang'a County, you do not expect the Chair to read your mind. However, since you have expressed your interest, I suggest that you let Sen. Murungi finish then before I call on the Chairpersons of the Committees to respond, I will give you an opportunity to contribute.

#### STATUS OF SUB-COUNTY LAND CONTROL BOARDS IN MERU COUNTY

**Sen. Murungi:** Thank you, Mr. Speaker, Sir. I hereby make request to the Chairperson of the Senate Standing Committee on Land and Natural Resources for a comprehensive Statement specifying:-

- (1) How much money has the Government paid as allowances to the members of each of the Sub County Land Control Boards in Meru County since January 2013?
- (2) Why has the Government disbanded the Sub County Land Control Boards in Meru County thereby frustrating all legal and economic transactions in land within the county?
- (3) How does the Government intend to facilitate the land market in Meru County through critical land transactions such as land purchases, leases and charges without land control boards?
- (4) Why have the land control boards not been devolved to the county governments, given that the county planning and development is a devolved function under the Fourth Schedule of the Constitution?

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Thank you, Mr. Speaker Sir.

**The Speaker** (Hon. Ethuro): Please, proceed Sen. Kembi-Gitura on the first Statement.

**Sen. Kembi-Gitura:** Thank you, Mr. Speaker, Sir. I thank Sen. Murungi for coming up with this very important issue. It is very fascinating that towns which are close to each other are rated differently. It looks very arbitrary because I note that even Murang'a is included among "all other towns" although it is far from Nairobi.

As we interrogate the Statement when it comes, I would like it to be more universal. It should include the reversing of the classification of the cities around the world where the allowances have been slashed by almost a half for Members of Parliament and other civil servants travelling to those places. This could be economic sabotage as Sen. Murungi has said, because there cannot possibly be a criterion on which Murang'a Town is different from Nyeri or Embu in payment of allowances to civil servants and other people spending a night there, to do their work. People will not want to come to Murang'a Town. This will become a barrier to trade.

**The Speaker** (Hon. Ethuro): Do I take it that the other requests on my screen are related to the Statements by Sen. Murungi?

**Hon. Senators:** Yes.

**The Speaker** (Hon. Ethuro): Please, proceed Sen. (Prof.) Anyang'-Nyong'o.

**Sen. (Prof.) Anyang'-Nyong'o:** Thank you, Mr. Speaker, Sir. I thank Sen. Murungi for the Statement he has requested about the land boards. As far as I am concerned, I know that land boards are to be established by the county governments under the guidance of the National Land Commission.

**The Speaker** (Hon. Ethuro): Order, Senator! It is Statements Time.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Speaker, Sir, I am just seeking clarification on Sen. Murungi's Statement, because he asked whether the Government has disbanded the land boards in Meru whereas, constitutionally, the land boards are to be established in the county governments. I would like that when that Statement is being given, for the Committee on Land and Natural Resources to tell us why the land board in Kisumu County has not been established.

**The Speaker** (Hon. Ethuro): If you dealt with the last bit, you would have conformed to the requirements of the Statements Hour.

Please, proceed Sen. (Dr.) Khalwale.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. The issue of land control boards as raised by Sen. Murungi requires that in the Statement, the Chairperson of the Committee on Land and Natural Resources tells us whether what is now affecting the people of Meru is also affecting other counties. If it is, what are those other counties?

In the process, the Committee should also clarify this action against land control boards. Could the Chair tell us whether that recording of files was part of this ambitious plan? If it is, when are the files in the digital form going back to the counties, especially in Kakamega County?

**Sen. Adan:** Mr. Speaker, Sir, just to contribute to the Statement, I would request the Chair of the Committee to also tell us how they are going to harmonize the work of the land board and the county government land issues.

**Sen. Khaniri:** Mr. Speaker, Sir, let me join my colleagues in thanking Sen. Murungi for bringing up this very important issue. How I wish he had asked for the Statement to cover all the counties. Nevertheless, I know Members have asked supplementary questions so we will get hold of the HANSARD and try to address all the issues raised by Members in the letter that we will send to the Cabinet Secretary. I want to give an undertaking on behalf of my Committee that we will endeavour to bring the Statement to the House in two weeks time. Should it not be ready, we will report progress to the Senate.

**The Speaker** (Hon. Ethuro): Sen. Khaniri, there is no harm in the Committee looking at the countrywide assessment. That will help you in getting ready with the supplementary answers.

**Sen. Billow:** Mr. Speaker, Sir, this is a very important matter. We require time to discuss and also invite the Commission on Salaries and Remuneration (SRC). We spent last weekend with the SRC in Naivasha to discuss the remuneration policy. We raised some of the issues the Senator for Meru County has raised. For example, we raised the issue of allowances and the impact of their circular. Therefore, we shall need two weeks so that we can interrogate their responses and come up with a comprehensive report on the matter.

**The Speaker** (Hon. Ethuro): Two weeks is okay.

THE BEATIFICATION OF SR. IRENE STEFANI  
NYAATHA IN NYERI COUNTY

**Sen. Kagwe:** Mr. Speaker, Sir, I wish to make a Statement in accordance with Standing Order No.45(2)(a) on a matter that is both important to the county as well as the country.

As you all aware, over the past few weeks, Nyeri County has been thrust into the international spotlight because it is about to host a very rare ceremony, the beatification of Venerable Irene Stefani. This weekend, pilgrims from all over the world will congregate in Nyeri County to witness this momentous celebration. This brings us, the people of Nyeri and all Kenyans of goodwill, great pride and joy.

Mr. Speaker, Sir, with your permission, let me briefly take you through the beatification process so that we have an appreciation of what is expected in Nyeri County this weekend. For those who are not familiar with the term, “beatification” is the recognition of an individual entrance into heaven where they will have the capacity to intercede on behalf of individuals who pray in his or her name; otherwise, called intercession of saints. This recognition is one made by the Roman Catholic Church. Those who are accorded it are given the title “Blessed.”

Hon. Senators, beatification is the third of the four steps of canonization namely; servant of God, venerable – where St. Irene is now, blessed – where St. Irene is headed and sainthood as in the case of Mother Teresa. This is the first ever beatification ceremony to be performed on the African soil. All the previous ceremonies, including the one that honoured our neighbours, the 22 Ugandan Martyrs, were performed in the Vatican City. We, the people of Nyeri County, are privileged to make it into the history

books, once again. You will recall that a daughter of Nyeri, the late Prof. Wangari Maathai, was the first African woman to receive a Nobel Peace Prize. This did Nyeri proud, internationally. May the Almighty God bless us all in peace. This occasion will have the same significance.

Hon. Senators, I am sure that many of you are wondering about the Sister; who she is and why her life is so significant. I was not also familiar with that until this occasion prompted me to find out.

Sister Stefani was born on 22<sup>nd</sup> August, 1891 at Anfo, Brescia which is in Italy. She was a Roman Catholic Italian nun and a member of the Consolata Missionary Sisters. She joined the Consolata Missionary Sisters in 1911 and became professed member in 1914 prior to the beginning of World I. Upon entering the missionary she was sent by Blessed Joseph Allamano to come to Kenya in January, 1915 where her mission was to serve as a nurse and a teacher in Gikondi, which is my home area in Mukurweini. She left at the tender age of 23 years and did not have the opportunity to return home.

Luckily for her, from the outset, on her arrival in Kenya, Sister Stefani was fully and warmly embraced by our people. Since the old generation would not pronounce Italian names, they gave her the name “Nyaatha” or “Nyina wa Nyaatha” which in Kikuyu means “a person of mercy”.

Hon. Senators, Nyaatha was by all accounts a completely selfless individual. She immersed herself in our community and its way of living. In a bid to learn Kikuyu quickly, she went to work with Sister Constanza who supervised workers in the first missionary coffee plantation. Here, she lived and toiled alongside our people, sharing from the very beginning an existence of hardship and humility. It would not have been easy for her.

The coffee plantation was situated at the edge of the forest and all Sister Stefani had was daily contact with 300 inexperienced illiterate labourers whom she tried to teach. It is said that she worked, come rain or shine, painstakingly trying at the same time to draw out the secrets of our community, the kikuyu, from the voice of the workers. She also took advantage without giving up or losing heart when the listeners told her that they did not understand her language. Once she learnt to express herself more fluently, Sister Stefani was entrusted with the workers’ evening classes with some lessons to the boys and all youth, which is now a boarding school called The Nyeri Minor Seminary.

On 25<sup>th</sup> May, 1920, along with two other young Consolata Missionaries, Sister Stefani arrived at Gikondi Mission where, Father Dominico Gillio, the priest in charge of the Mission assigned her different tasks. It is alleged that he instructed her to “Spend the mornings in the classroom with the boys, the youth and all those showing an interest in learning; the afternoon with the Catholics, cattlemen and the other people.” She was to go to every village and home and make contact with everybody and treat the sick and look for more pupils. Sister Stefani did just that.

She went to the villages on friendly visits to establish new contacts and especially help those who were in need, either because of disease or school enrolment. She entered the huts, penetrated the jungle fearlessly with a courage that sprang from her deep rooted faith. She talked, preached and instructed patiently and finally baptized them. It is



estimated that by the time she met her death, she had baptized at least 1,000 people in Gikondi.

In 1930, she contracted the bubonic plague from a patient she was treating. Sadly, like a candle in the wind, she quickly died on Friday, 31<sup>st</sup> October, 1930. She was 39 years old and had spent 16 years of her life in Africa. During the last ten years, she had spent most of it in Gikondi. In an interesting coincidence, her death comes on the eve of All Saints Day.

Hon. Senators, the course of the beatification commenced in 1984 when Sister Stefani was declared a servant of God. On 2<sup>nd</sup> April 2011, Pope Benedict XVI declared her to have a life of heroic virtue and named her venerable. On 8<sup>th</sup> January, 1989, the feast of epiphany – the miracle that opened the way to the beatification process – was one of the multiplications of water in the baptismal font in the Parish of Nipepe, Mozambique. The water was used in four days by those who had escaped violence in the civil war. There has not been any doubt about the validity of this miracle. This multiplication of water was deemed to be a supernatural intervention which Pope Francis approved in a decree that recognised his contribution to Stefani.

I, therefore, take this opportunity as the host Senator for Nyeri County and on behalf of the Nyeri Government led by Governor Nderitu Gachagua, the Nyeri Catholic fraternity and, indeed, all Nyerians, to welcome you, my fellow Senators of whatever faith and all parliamentarians and Kenyans at large to this historic ceremony. Nyeri County has been home to heroes of the Mau Mau struggle, a Nobel Peace Laureate, a President and now to the venerable Stefani, a woman on the path to sainthood. It is a proud moment, not only for us, Nyerians, but indeed, for all Kenyans. We, as leaders - let us use this occasion to be reminded of our call to servant leadership and the value of being humble, honest and diligent workers. We owe it to our fellow Kenyans, our nation and our future generations.

As I conclude, I wish to congratulate the Nyeri Catholic Diocese led by His Grace Archbishop Peter Kairu for the tremendous amount of work that they have done towards this beatification. I also congratulate and thank His Excellency President Uhuru Kenyatta for the support he has given this occasion, marshaling his Government to this event. Without his support, this would not have been what we expect it to be.

Fellow Senators, *karibuni* Nyeri and may God bless this beatification process. May God bless my beautiful county, Nyeri, and may God bless my country, Kenya.

Thank you.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Speaker, Sir, I would like to join my friend and colleague, Sen. Kagwe in bringing to the attention of this House this very important event in Nyeri of the beatification of Sister Nyaatha. For those of you who do not know much about beatification, it comes from St. Mathew, the eight beatitudes of Jesus Christ. One of them being “blessed are the pure in heart for they shall see God”.

Sister Nyaatha died of bubonic plague while serving the poor in a country very far away from her motherland. For over half a century, the Catholic Church has been meditating on whether to beatify her. It takes the Catholic Church a long time to decide whether somebody deserves being a saint because it is not a simple process. None of us in this House was born when the sister was serving in Nyeri. I am quite sure of that. It

means that in our lifetime, the Catholic Church has been meditating on these issues. It is not a simple matter.

Therefore, to cut a long story short, I hope that this Senate will be properly represented in this ceremony. I apologise that I will not be there, but I think it is an event that this nation should focus on so as to give it the dignity it deserves and give glory to God, through the Catholic Church, for having done such a wonderful thing to Kenya and to the African Continent.

I praise you.

**The Speaker** (Hon. Ethuro): Order, Members! I wish to put that particular order in abeyance because of the other orders, taking into account the constitutional timelines. Since we have the requisite number, I am not putting it off. We will just do the voting on the three Bills and then come back and proceed.

**Sen. Musila:** Mr. Speaker, Sir, this is the third time I am standing up on a point of order on a matter that I have raised. Whenever it reaches, I am told it will be issued next week. You will recall that last Tuesday, on a matter that I had raised, I was told it would be on Tuesday this week because of urgent business. To make the matter worse, that is not even on today's Order Paper. I would like to know what is happening because this is a matter that I raised since February this year, and it concerns every county of this Republic and it is urgent. Can I have your guidance on whether I should drop this matter or am I going to get an opportunity to proceed with it?

**The Speaker** (Hon. Ethuro): Order, Senators! Order, Senator Musila! You do not need to raise your voice. The Chairperson is seized of the matter, including your frustrations. The Chair indicated that the matter will come up today whether it is on the Order Paper or not. This is going to be your day.

**Sen. Musila:** Mr. Speaker, Sir, much obliged.

**The Speaker** (Hon. Ethuro): I was only saying that because of the obvious constitutional timeliness. You know how we have been arranging our work on the basis of that— issues away from us. However, given our commitment to defend the Constitution, we have to sort out some of these matters first.

Could you give me the Order Paper?

*(The Clerk handed the Speaker a copy of the Order Paper)*

Order, hon. Senators! We will take the three Orders; Order Nos.8, 9 and 10 and vote on them.

We will vote on the Public Audit Bill (National Assembly Bill No.38 of 2014), the Fair Administrative Action Bill (National Assembly Bill No.10 of 2015) and the Public Procurement and Asset Disposal Bill (National Assembly Bill No.40 of 2014).

I will allow the Division Bell to be rung for one minute for the three Orders.

*(The Division Bell was rung)*

Order Members, prepare your voting instruments.

Could the Bars be drawn and the Doors closed?

*(The Bars were drawn and the Doors closed)*

We will be taking one Order at a time. The results will be announced at the same time at the end of Order No.10.

The first vote is on the Public Audit Bill. Therefore, let me put the question.

*(The Speaker put the Question)*

You will take one minute to vote. You may commence voting.

*(Voting in progress)*

Order, Senators! That is the end of voting electronically. We have concluded voting on Order No.8. We should then proceed to vote on Order No.9. If you have not voted on Order No.8, assistance will come after you have demonstrated your inability to vote electronically.

*(Laughter)*

So, the assistance will be afterwards.

On Order No. 9, I now wish to put the question.

*(The Speaker put the Question)*

*(Voting in progress)*

Order, Senators, you need to be faster.

The system does not act with the kind of pressure from the Chair. So, it has gone to sleep. In the meantime, as it is fixed, we can get the assisted voters on the earlier Order No. 8.

*(Several Senators consulted with the Clerks-at-the-Table)*

## **BILLS**

### *Second Reading*

THE PUBLIC AUDIT BILL  
(NATIONAL ASSEMBLY BILL NO.38 OF 2014)

*(Sen. (Prof. Kindiki) on 12.5.2015)*

*(Resumption of Debate interrupted on 13.5.2015)*

**DIVISION****ELECTRONIC VOTING**

*(Question, that the Public Audit Bill (National Assembly Bill No. 38 of 2014) be now Read a Second Time, put and Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Chelule, Nakuru County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi- Gitura, Muranga County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.)Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; and Sen. Sijeny, Nairobi County.

**NOES:** Nil.

**The Speaker** (Hon. Ethuro): Order Senators! The results of the Division are as follows:

**AYES:** 31

**NOES:** NIL

**ABSTENTIONS:** NIL

The 'Ayes' have it.

*(Question carried by 31 votes to 0)*

*(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)*

*Second Reading*

THE FAIR ADMINISTRATIVE ACTION BILL  
(NATIONAL ASSEMBLY BILL NO. 10 OF 2015)

*(Sen. (Prof.) Kindiki on 13.5.2015)*

*(Resumption of Debate interrupted on 13.5.2015)*

## DIVISION

## ELECTRONIC VOTING

*(Question, that the Fair Administrative Action Bill (National Assembly Bill No.10 of 2015) be now Read a Second Time, put and Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. (Prof.) Anyang’-Nyong’o, Kisumu County; Sen. Billoo, Mandera County; Sen. Bule, Tana River County; Sen. Chelule, Nakuru County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi- Gitura, Murang’a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.)Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Sang, Nandi County and Sen. Sijeny, Nairobi County.

**NOES:** Nil.

**The Speaker** (Hon. Ethuro): Order, Senators! The results of the Division are as follows:

**AYES:** 30

**NOES:** NIL

**ABSTENTIONS:** NIL

The ‘Ayes’ have it.

*(Question carried by 30 votes to 0)*

*(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)*

*Second Reading*

THE PUBLIC PROCUREMENT AND ASSET DISPOSAL BILL  
(NATIONAL ASSEMBLY BILL NO. 40 OF 2014)

*(Sen. (Prof.) Kindiki on 14.5.2015)*

*(Resumption of Debate interrupted on 14.5.2015)*

**DIVISION****ELECTRONIC VOTING**

*(Question, that the Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014) be now Read a Second Time, put and Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. (Prof.) Anyang’-Nyong’o, Kisumu County; Sen. Bule, Tana River County; Sen. Chelule, Nakuru County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. Kembi-Gitura, Murang’a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; and Sen. Sijeny, Nairobi County.

**NOES:** Nil.

**The Speaker** (Hon. Ethuro): Order, Senators! The results of the Division are as follows:

**AYES:** 29

**NOES:** NIL

**ABSTENTIONS:** NIL

The ‘Ayes’ have it.

*(Question carried by 29 votes to 0)*

*(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)*

**The Speaker** (Hon. Ethuro): You may now draw the Bar and open the door.

*(The Bar was drawn and door opened)*

**POINT OF ORDER**

**FAILURE BY SENATORS TO VOTE ON MATTERS  
BEFORE THE HOUSE DESPITE BEING PRESENT**

**Sen. Khaniri:** On a point of order, Mr. Speaker, Sir. When you ordered for the Division Bell to be rung, you said that we will take a vote on three Bills, Orders Nos.8, 9 and 10. The Bars were drawn. Standing Order No.80(2) states that:-

“It shall be disorderly conduct for a Senator to fail to record his or her abstentions in a division.”

You notice that the result of the Division on Order No.8, the “ayes” were 31, no abstentions and “nays” were nil. Order No.9, the “ayes” were 30, no abstentions and “nays” nil. Order No.10, the “ayes” were 29, nays nil and no abstentions.

Mr. Speaker, Sir, clearly, one Member failed to vote on Order No.9 and two Members failed to vote on Order No.10. This is not the first time this is happening, it happened another time, I raised the matter. At that time, the Chair promised to investigate and take action against the Members who did not register their abstentions and did not vote. We need your guidance on this matter.

**The Speaker** (Hon. Ethuro): Hon. Senators, I cannot agree more with Sen. Khaniri. However, gross misconduct applies to an individual. You have failed to indicate which individual did not vote. I do not know what to do.

*(Laughter)*

**Sen. Khaniri:** Enforce the law!

**The Speaker** (Hon. Ethuro): Order! I have no problem enforcing the law, but you must state to me which Member did not vote and at which particular order.

*(Loud consultations)*

Order, Senators! The argument that the Bars have been drawn and the door closed is only applicable in front of me. It is not applicable behind me. If somebody decides to go to the consultation room, we need to determine whether it is within the Chamber or away from the Chamber. What is important---

*(Loud Consultations)*

Order, Members! That is an important issue. However, it also has very many issues around it. So, let us work on it and go back to the Statements.

Let us give Sen. Musila the Floor; we all have to agree that this is his day.

## STATEMENTS

### STATUS OF CASH TRANSFER PROGRAMME

**Sen. Musila:** Mr. Speaker, Sir, I thank you and the House for giving me the day. On 19<sup>th</sup> February, 2015, I raised the issue of Cash Transfer Programme for the old citizens of this Republic. It took a lot of time before I got the response from the Ministry of Labour and Social Welfare. I thanked the Chair last time for giving me this booklet

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

which attempts to answer the questions that I had raised, but looking at the HANSARD of the day, the answers given do not respond to what I had asked. They fall far-short of expectations.

First, I had asked for the breakdown of the number of recipients of cash transfer for each county with the corresponding populations, the reason being that we wanted to determine whether there was equitable distribution of these funds across the country. However, the Chairperson brought a list of counties showing the number of recipients. He did not care to give us the population of those counties so that we can compare them.

Secondly, I had asked for the breakdown of each of the eight constituencies of Kitui County to be done separately so that we can interrogate the data, constituency by constituency. I recall that you intervened at that time. You told the Chairperson that in this age of digital information technology, there should be no problem in the Ministry doing that, but all the names were lumped together. Therefore, I have been finding it very difficult to interrogate this document.

Nevertheless, I have also done some further homework; thanks to the delay in allowing me to raise this matter. I looked at a sample within my area, the area I used to represent previously. I found out that some of the people listed in this response are not alive. The problem we have – and you recall that the other day, Sen. Omondi raised the issue of cash transfers to people with disabilities.

The Ministry admitted that they have a challenge and are unable to distribute these funds. Maybe the Chairperson should first answer why they find it difficult to give the populations of counties against the recipients and the names of people for every constituency instead of lumping all of them together. I know that it possible to do that. In fact, they can do it. Why are they giving money to people who are not living?

**The Speaker** (Hon. Ethuro): I thought you would also wish to know the mode in which the dead receive their payments.

Proceed, Chairperson. What is it, Sen. Mutula Kilonzo Jnr.?

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, you also allowed the distinguished Senator for Makueni to ask a similar question. Similarly, the numbers of persons who appear to be receiving these cash transfers in Makueni are unknown. It is far much better that, at least in Kitui, they are known to be dead. However, in Makueni, they are unknown. Even the persons who are distributing these funds are unknown---

**The Speaker** (Hon. Ethuro): Order, Sen. Mutula Kilonzo Jnr.! You are misrepresenting the – to borrow your own words “the distinguished Senator” for Kitui. Not all his beneficiaries are dead; he said “some.” I think that is an important distinction to make.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Speaker, Sir. Perhaps when the Chairperson rises to respond, other than the fact that they mentioned that these cash transfers are done through the post office in a manner that is not understood by anybody or through banks, we would also like to know the persons who are said to be doing this in counties. This is because even in counties and constituencies, nobody seems to know who these officers are. Do they operate in darkness?

**The Speaker** (Hon. Ethuro): What is it, Sen. Okong’o?

Is it on this one, or on a different matter?



**Sen. Okong'o:** No, Mr. Speaker, Sir, it is on the same matter. You remember that one of my colleague Senators addressed this issue in a different forum. We had raised the same issue in the House. I was wondering if the answer was only given to the Senator for Kitui County without us getting copies so that we can interrogate the same.

**The Speaker** (Hon. Ethuro): Proceed, Chairperson.

**Sen. Madzayo:** Mr. Speaker, Sir, I believe that the document I gave to Sen. Musila was substantive enough, but if at all it does not cover the areas where he believes that he should get the answers from, then we are prepared to deal with the specific areas where he wants us to concentrate on. We will give him the full answers on it.

Further, this will also open up the issues of the people who are distributing the funds at the county level. To respond to what my brother, Sen. Mutula Kilonzo Jnr., has requested for, we will be in a position also to find out who those people distributing these funds to the beneficiaries at the county level are. It is in that regard that I request we be given a further 14 days, so that we come back with solid answers to that.

**Sen. Hargura:** Mr. Speaker, Sir, these funds are supposed to assist the elderly who in most cases would not travel. We have been having a lot of problems at the county level. Wherever we go, the first question from the public is why these funds have to be issued at the Post Office only. In my case, I have the largest county in the country. Some centres are even 600 kilometers from the county headquarters where the post office is located. Yet an elderly person is supposed to travel that distance to collect the money.

If you decide to assist somebody, do it in such a way that, that assistance is beneficial to him or her. Why do they not device other means? For example, we have programmes like the Hunger Safety Network, whereby the money is brought to the beneficiaries where they are. Why do they not use other innovative means so that this help can reach the people?

**Sen. Ndiema:** Mr. Speaker, Sir, I also want to be enjoined. In Trans Nzoia there are many complaints about discrimination. I request that in replying, the same information that will be given to the Senator for Kitui is also given for all counties. Unless it is done, this matter will keep on being raised by all counties.

**Sen. Muthama:** Mr. Speaker, Sir, first of all, I want to concur with Sen. Musila, that this matter concerns all counties in our Republic. The Chairperson should note that the funds are being stolen. There is theft in this country. It appears as if everybody in the Government is involved. That is why in the Jubilee side, nobody is raising a word on this matter. The Chairperson should come out and tell us where the money is going. *Hawaongei!*

**The Speaker** (Hon. Ethuro): Order, Senator! I was almost challenging you, but I also decided to wait for that side to challenge you. Unfortunately, they did not.

*(Laughter)*

Order, Senators! That was a grave statement. My proposal is that the Chairperson organises a Committee of the Whole and gets the Cabinet Secretary responsible. These are very important policy issues.

(Applause)

We can interrogate the Cabinet Secretary because at this rate you will be tossing the Chairperson between the Cabinet Secretary and the House. You should do that in the next one week. Before then, you should compile the reports for all counties, so that the meeting will be more useful on the basis of raising issues. That would be the position of the Ministry and the Members will be able to interrogate just the way Sen. Musila took advantage of the delay to discover some dead persons in the list of beneficiaries.

Proceed, Sen. Musila.

**Sen. Musila:** Thank you, Mr. Speaker, Sir. I sympathize with the Chairperson because he has been working on that matter since February. Obviously, it cannot go further. We are looking forward to this because recently the Government announced an additional Kshs20 billion to this fund. But unless matters are put right, we will just be pumping money into people's pockets instead of giving it to the elderly who are in dire need. Some of whom are dying.

**The Speaker** (Hon. Ethuro): Chairperson, I hope that you have not been confused by Sen. Musila that I do request; I direct.

**Sen. Madzayo:** Thank you, Mr. Speaker, Sir. I wonder whether I could ask for an extension of one week to make it two weeks.

**The Speaker** (Hon. Ethuro): Order, Chairperson! I have said before in this House that there is something in the Constitution called "efficient and expeditious." In fact, we have just passed a Bill on the fair administrative action.

**Sen. Madzayo:** Thank you, Mr. Speaker, Sir. I am obliged.

**The Speaker** (Hon. Ethuro): We should be alive to what we are doing. You are not going to conduct a research. You are going to get information that is supposed to be readily available. It is so ordered.

Please, proceed Sen. Hassan.

## POINT OF ORDER

### STATUS OF THE COUNTY HEALTH SERVICES FUNCTION

**Sen. Hassan:** On a point of order, Mr. Speaker, Sir. I rise to seek guidance from your Chair. I make reference to the Fourth Schedule of the Constitution of the Republic of Kenya, Part 2(2) that stipulates that county health services, including county health facilities and pharmacies, ambulances, among others, are within the domain of functions of the county government. I make further reference to Article No.96(1), which places on this Senate the obligation to represent counties and serve to protect the interests of counties and their government.

I stand on this point of order to seek your direction because last week as we met as the County Public Accounts and Investment Committee (CPAC) in Mombasa, the sister Committee from the National Assembly called, the Committee on Implementation, purported to have visited county health facilities, and actually interviewed a few sick

people who were admitted to those hospitals or who were seeking services, who complained to them that there is no medicine and other things.

Mr. Speaker, Sir, why do I seek your guidance on this point of order? Over the weekend, there has been a robust debate, particularly by Members of the National Assembly creating a perception that they are going to push a constitutional amendment Bill---

**The Speaker** (Hon. Ethuro): Order, Senator! It is a section of Members of the National Assembly.

**Sen. Hassan:** Mr. Speaker, Sir, a section of Members of the National Assembly said that they were going to initiate a programme or an amendment in the National Assembly. I even saw some Senators speaking to it; that they shall seek to return the health function back to the national Government. I feel greatly pained as a Senator who is supposed to defend the interests of the counties to have a debate by Members of National Assembly that they intend to take back such an important and fundamental role of the counties back to the national Government.

Mr. Speaker, Sir, we had 47 county representatives from all over the country and we asked them to speak to this issue. One person after another from Elgeyo-Marakwet County, Turkana County, Mandera County, Wajir County and many other counties indicated that they were better off than they were a few years ago. Is it possible for us to start a debate over the transfer of such a function over “non-performance of Governors” within a span of two years and yet, in the last 50 years, the health sector has not had any extraordinary delivery?

This is the House whose Committee on Health, led by Sen. (Dr.) Kuti and in which Sen. (Dr.) Machage is also a Member, in my assessment, has the mandate to visit health facilities and do an empirical research, so that we determine the extent of progress in the implementation of county health. We also saw it under the Commission on Revenue Allocation (CRA) report; that one the highest investments by counties - a whopping 25 per cent - is in health care. For us, as Senators sitting here today, we cannot sit pretty and pretend that this debate is just an innocent debate. I saw the choreography of this. It started in Mombasa and I have seen other legislators pick it up.

Mr. Speaker, Sir, as I conclude, some of us strongly believe that as a Senate, health must remain within the purview of county governments. The fact that there are certain structural or functional issues that are fairly a challenge to the counties - that is a matter of management. It is not failure of the system. We have hardly tested the system so we cannot abolish it. I feel pained when a section of Members of the National Assembly go round this country attacking devolution; that in its two years of existence, it has not sorted out what the national Government was not able to do in 50 years.

Lastly, what is more painful is to try and attribute the spread of cholera to devolution. How dare they? Cholera broke out when I was in school. I first saw it under President Moi’s regime. I also saw it as part of the challenges that President Kibaki’s regime had to handle. How can anybody with sanity, decorum and reason attribute the outbreak of cholera to the fact that devolution had anything to do with it? I ask Senators here to take note that this is the debate out there. We must counter this kind of polarization internally and externally that intends to transfer this important function to the

domain of national Government. I wish that it was a Motion so that I could say: “I beg to oppose.”

*(Laughter)*

**The Speaker (Hon. Ethuro):** What is it, Sen. Billow?

**Sen. Billow:** Mr. Speaker, Sir, please, allow me to emphasize two key points which Members need to know; One, even as we have mediation on the Division of Revenue Bill, I want Members to know that some of the key areas that have been affected by underfunding is in health, particularly those counties that have Level 5 hospitals. As I speak, the national Government estimates for the Ministry of Health, where functions have been devolved, up to 96 per cent, yet the Afya House is going to get over Kshs50billion. That is the challenge that we have. The same Members of Parliament who are complaining cannot even see past their nose that they are actually contributing to the problems that we have.

Mr. Speaker, Sir, the second point that I want to highlight is that, last year, the National Assembly commissioned an audit of the Constitution by the Auditor-General. I want Members to know that the Auditor-General is finalising that audit of the Constitution. One of the recommendations that are coming out is the abolition of the Senate. The second recommendation that is likely to come out and is under discussion is that if it is not going to be abolished, then it should be elected by the county assemblies rather than the people. I think that there is little doubt that there are Members of the National Assembly who sincerely have very little regard for devolution. I think the National Assembly is letting us down, they slowly and surely want to erode this to the point where it is seen – they say that if you want to kill a dog, you give it a bad name. That is it.

**The Speaker (Hon. Ethuro):** Hon. Senators, I thought this matter was being addressed to the Chair.

As I allow you to make very brief interventions, I would like to draw your attention to Standing Order No.90(4). It states:-

“No Senator shall impute improper motive to any other Senator or to a Member of the National Assembly except upon a specific substantive Motion of which at least three days notice has been given, calling in question the conduct of that Senator or Member of the Assembly.”

I just want to remind you that there is no Motion before us. Standing Order No. 90(5) states:

“It shall be out of order for a Senator to criticize or call to question, the proceedings in the National Assembly, a County Assembly or the Speaker’s Ruling in the National Assembly but any debate may be allowed on the structures and roles of County Assemblies or the National Assembly.”

So, restrict yourself to what is provided for. Anything else, I will declare you completely out of order.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, we are not going to be in breach of this important Standing Order. It is just a response to what has been raised by a Member of

this House and the Committee on Health mentioned, of which I am a Member. Therefore, on behalf of the Chair who is out of the country and the Vice Chair who is not in the House, I would like to make the following remarks.

The Committee is in the process of collecting and collating information from all hospitals in all regions of this country. Indeed, even on Thursday the Committee is leaving for Western Kenya where we intend to visit Kisumu, Kakamega and Kisii to get information on the problems that are arising as a result of the implementation of the Constitution.

It should also be noted that in the last financial year, Kshs10 billion was allocated to the health system. However, this financial year, they only allocated Kshs2 billion for the same purpose. The view which has been held up by the Senate is that this is gross underfunding, hence the demand for the increase of the budget by Kshs7 billion which will be used in the health services of this country.

It is unfortunate that Members of the other House can purport to propose this. It is a committee with its own Standing Orders and can go round the country, collect information and make a statement, but it is not binding to this House. We are going to make our decisions because we are supported by the Constitution. This is still a devolved system. The Committee on Health has not made that demand. So, forget about them.

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION OF STUDENTS AND TEACHERS FROM WINGS OF MERCY, DABASO ACADEMY, KILIFI COUNTY

**The Speaker** (Hon. Ethuro): Hon. Senators, as we proceed, I wish to recognise the presence of pupils and teachers from Wings of Mercy, Dabaso Academy from Kilifi County seated in the Public Gallery. As you all know, the tradition of receiving and welcoming visitors to Parliament is a long time tradition and one we shall endeavour to uphold. On behalf of the Senate and on my own behalf, I extend a warm welcome to the pupils and teachers of the Wings of Mercy, Dabaso Academy from Kilifi County.

**Sen. Madzayo:** On a point of order, Mr. Speaker, Sir. I would like to thank you so much for according the young men and women from Kilifi County the opportunity to come to the Senate and witness the proceedings and maybe to have that ambition that one day some of them will be sitting in this House. I want to thank you so much.

*(Resumption of Debate on Point of Order)*

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Speaker, Sir, I want to thank Sen. Hassan for bringing this issue before the House. When I teach students, I usually tell them something that Karl Marx said at one point; that if appearances coincided with reality, science would be superfluous.

The appearance from that House that the health system is not doing well under the county governments cannot be supported by a scientific proof because the data that we have, if you read the writings of economist, David Ndii, is that it is in the health sector

that counties are actually doing very well, with very little financial support from the budget. I want to thank the counties in northern Kenya which have actually led other counties in investing in health and improving health care in that part of Kenya, notwithstanding the very little resources that are given in the Budget.

Finally, having been the Minister for Medical Services and knowing rent-seeking tendencies in that Ministry that I tried to fight and quite successfully, I know that at the national level there is still an appetite to get health back to the national level. This is because people want to put their hands in procurement, particularly of drugs and pharmaceuticals. They see that if this goes down to the counties, they are losing the gravy train.

I have a suspicion that even some of our sisters and brothers in the “lower” House may be lured at the national level to be attracted to that gravy train, hence the tendency to make this awful argument that health should go back to the national level. If we look at the Fourth Schedule, which Sen. Hassan drew our attention to; we see the functions that should be performed by the counties. We, in this House, have said that budgetary allocations should go according to functions.

If we were to study the Fourth Schedule very carefully, we will realise that counties are grossly underfunded.

*(Loud consultations)*

Mr. Speaker, Sir, I cannot compete with Senators speaking louder than I am speaking.

**The Speaker** (Hon. Ethuro): Order, Senators! Order, Sen. Muthama!

**Sen. (Prof.) Anyang’-Nyong’o**: Finally, the point I was making in conclusion and which I did not because they were shouting.

**The Speaker** (Hon. Ethuro): Order, Sen. (Prof.) Anyang’-Nyong’o! You can only put your request through the Chair. You cannot assume my role.

Proceed.

**Sen. (Prof.) Anyang’-Nyong’o**: Mr. Speaker, Sir, I was only concluding by saying that if you look at the functions in the Fourth Schedule that counties should be performing according to the Constitution and we go carefully through budgetary allocation, we will come to the conclusion that to date, the budget has not honoured the functions in the Constitution that should be allocated to the counties. That can be scientifically proved. Let us forget these appearances that are introducing a debate that does not exist.

**Sen. (Dr.) Khalwale**: Thank you, Mr. Speaker, Sir. What was the meaning of devolution? Devolution was to take services closer to the people. If you cannot take health, education, agriculture and water closer to the people, then it ceases to be devolution. You must look for another English word to define what it is that you think you are devolving.

With all due respect to the structure of Parliament and the arrangement of the Standing Orders both in the Senate and in the National Assembly, there is need for us to consider what departmental committees we need in the respective Houses. Do we still

need departmental committees for functions that are fully devolved in the National Assembly? We do not need them. If anything, in my view, you need only one departmental committee in the National Assembly responsible for devolved functions called the “Committee on Devolution”, to look at policy matters.

It is because of this absence of structuring that some committees do not even have the patience to listen to the advice from the clerks. If the clerk of that National Assembly committee had been allowed to be the one speaking, he would have told them that you cannot call an exercise of visiting a few committees, a research. A scientific research is not made up of that kind of stuff that they are purporting to have done in this regard.

Mr. Speaker, Sir, since we do not have a shortage of professionals in this country, we would like the thinking of professionals in medicine to be respected; that the problem today is not necessarily devolution. Devolution has achieved milestones in terms of infrastructural development at our medical facilities. The problem is the administrative challenges like in Machakos County where money meant to buy medicine was used to buy 175 police cars. This is where we are supposed to make the difference as the Senate. We should be allowed to do it, without allowing busybodies to do so.

I oppose what they are doing in the National Assembly.

*(Laughter)*

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Speaker, Sir. Under the Transition to the Devolved Governments Act and the Inter-Governmental Relations Act, a function once transferred by this Senate cannot revert to the national Government. So, I would not worry too much about it and I will leave them to continue talking. The only danger about this function which is being clawed back is Article 187(2), which says a function must be followed with funds.

From our experience in the Committee on Finance, Commerce and Budget, it appears that this problem is not only in the National Assembly, it is also in the Commission on Revenue Allocation (CRA) when it is allocating funds for hospitals. My own perspective would be that our Committee on Health should give a report on the budget that is sufficient to cater for this function to this Senate that we should adopt. I am sure the Committee is capable of doing so. Its Members are here. When a figure of Kshs3.6 billion allocated by the CRA is reduced to Kshs2.4 billion by the National Assembly without any science to it, we ought to defend those figures.

Mr. Speaker, Sir, instead of following this trail by some people who are misled and the law says ignorance of the law is no excuse, we should not follow that path. We should speak to the counties and say that in the next financial year, we want Kshs10 billion on the table. Just like the mediation in this financial year, we should say no money, no division of revenue.

**Sen. Hargura:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. It is very sad when we have any Kenyan claiming that health is better off at the national Government. This is because in the last 50 years, in some parts of this country, there has been no health facility which has been constructed by the national Government. In my county, most of the health facilities were actually done by the missionaries. It is now that

we are using the funds from the national Government to establish the infrastructure, build health centres, dispensaries and upgrade our hospitals to Level 5 hospitals like other areas because we want to have even those ones. That shows how effective or ineffective the national Government has been.

Mr. Speaker, Sir, for a leader to wake up one day and say that health is better off at the national Government - I am sure they do not know what they are saying. For example, in my county for the last two years, we have been giving more than 30 per cent of our development budget to health because we understand what our people have been going through. We have water as a priority followed by health. If somebody says that we are not doing better than the national Government, then I am sure that person is up to no good.

There might be problems and the administration is aware of them. We have especially the problem of attracting doctors to those remote areas. Doctors have been used to working in town where they move from one health facility to another, unlike when they are employed and have to stick to one facility. That could be a challenge. However, I am sure as it is ---

**The Speaker** (Sen. Ethuro): That is not a problem of devolution. It was there before.

**Sen. Hargura:** Mr. Speaker, Sir, initially, they were not even there. It is now that we are trying to attract them and we are facing that challenge. We are better off and we are working on that. I am sure the county governments are working around that to see how to attract, especially students to those remote areas. Anybody who is coming up with that suggestion---

**The Speaker** (Sen. Ethuro): Order, Senator! Conclude.

**Sen. Hargura:** Thank you, Mr. Speaker, Sir. I fully disagree with other leaders who come up with those kinds of suggestions. We need to know the reason behind it because I do not think it is somebody just thinking straight. It must be some other reason. Like it has been said, we had the Kenya Medical Supplies Authority (Amendment) Bill (Senate Bill No.9 of 2013) (KEMSA) in this House, which we rejected. We knew it would centralize services---

**The Speaker** (Sen. Ethuro): Please, conclude.

**Sen. Hargura:** Mr. Speaker, Sir, county governments should be given time and enough funding since that is where the challenge is, so that we can effectively develop the health sector at the county level.

**Sen. Lesuuda:** Thank you, Mr. Speaker, Sir. I would also like to briefly add my voice to this very important issue. As much as we would not really bother about it, since once a function has been devolved it cannot revert back to the national Government, those who want it brought back to the national Government are creating a perception that devolution is not working. They believe it cannot work. They think health workers in counties are not working. They feel health facilities are all in shambles and not useful to our people.

The Senate will not allow this. Devolution must be given space to work. It is about time all the leaders realised that the same constituents that they represent are the same ones that all other leaders represent. So, we do not know which constituents they



are talking on behalf of that the Senators are not. If anything, the Senators have the full constitutional mandate to speak about devolution and also speak on behalf of those services that have been devolved. I wish they were saying that the counties need more money for health and other functions to be devolved rather than saying that we need to make steps back in terms of the gains that we have made.

Mr. Speaker, Sir, as Sen. Hassan has brought to our attention, we should fight to ensure that the health function remains at the county level and more money is appropriated for this function. The people of those counties that were formally marginalized cannot approve that the gains that we have made so far be reverted by other leaders who purport to represent the people more than the people who are in this House.

**Sen. Sang:** Mr. Speaker, Sir, the concerns raised by Sen. Hassan are very crucial to this House. If you look at Schedule Four which he mentioned here, you will see that one of the other functions whose transfer the national Government has resisted but which the Constitution is very clear on, is the issue of roads. We, as a House, should blame ourselves because the laxity with which we have treated the transfer and devolution of roads has led to the perception by Members of the National Assembly that they can still take back some of the responsibilities and functions that have already been devolved.

Mr. Speaker, Sir, we need to stand by the law. Devolution will not work if you do not fund some of the functions that are already devolved. We cannot wish away the concern that certain county governments must prioritise properly. Some counties may be facing challenges within the health sector because of poor prioritisation by county governments. However, that should not be used as a blanket condemnation of all the counties.

From my point of view, we need to tell the Committee on Finance, Commerce and Budget that as it continues with its mediation process, we will not take anything less than what we proposed in terms of funding counties. In the next financial year, we should do proper audit and understand how much we need to fund the devolved functions. Based on that, that should help us to deal with the Division of Revenue Bill. If we continue to deal with block figures, we will continue to give counties resources with which they will be unable to fund functions that are devolved. Therefore, the concerns on some of the clawback tendencies by the national Government should be addressed.

**Sen. Bule:** Bw. Spika, jambo ambalo limetajwa hapa na Sen. Hassan, Seneta wa Kaunti ya Mombasa, ni muhimu; swala la afya katika kaunti zetu. Tunapinga yeyote yule anayetaka kuingilia swala hilo. Awali tulikuwa na matatizo hapa na pale katika sekta ya afya. Leo hii, katika kaunti zetu, akina mama wanapata huduma za afya karibu na nyumbani. Kuna vituo vya afya na hospitali kila mahali. Matatizo ya watoto kufa mapema na akina mama kukosa huduma wakiwa wajawazito hayapo tena.

Bw. Spika, tunapinga yeyote yule ambaye anaingilia jambo hili. Hatutarudi nyuma bali tunaendelea mbele. Ugatuzi upo na utaendelea.

**The Speaker** (Hon. Ethuro): Senators, the interest is just immense, but I think that should be enough for now.

Let me reduce your contributions to one minute since earlier, I was allowing two minutes.

**Sen. Wamatangi:** Mr. Speaker, Sir, we urgently need an amendment to the Transition to Devolved Government Act so that we provide a middle ground.

Mr. Speaker, Sir, when a county cannot carry out a function effectively – because we cannot close our eyes to failure – we should have a provision whereby the function should be reverted to a committee of the Senate which should appoint a taskforce to run it. How do you explain – I will give an example of my County of Kiambu – when you go to a dispensary and fail to get any medicine other than Panadol, then the following morning, the county government buys vehicles?

As you saw, 72 brand new vehicles were bought at a cost of Kshs300 million and yet you cannot find any medicine in the dispensaries. We cannot pretend that there is no problem when there is. As far as I am concerned, we need to provide a mitigating ground.

Mr. Speaker, Sir, when the children of Israel were going to the promised land, but they could not enter Canaan, they had to find some middle ground where they could wait until they succeeded to enter. How can we say that if counties fail to provide the service, we should just hang around and say that it cannot go back to the national Government? I do not support it going to the national Government. I also do not support that we do not say a thing about it.

**Sen. Billow:** On a point of order, Mr. Speaker, Sir. Is the hon. Senator for Kiambu County in order to suggest that there is no mitigation in a situation where a county does not perform a certain function?

The Constitution is very clear, not only in terms of a county going into an agreement with the national Government if it so desires, but also the people of the county having the opportunity to make amends politically. That is provided for very clearly. The people can do that through a petition to this House. The House would deal with that particular failure by the institution of the county that is not carrying out its mandate.

**The Speaker** (Hon. Ethuro): Order! Indeed, Sen. Wamatangi, you have plenty of opportunities to address this matter, including and not limited to, approaching the County Development Board which is the law of the land.

*(Sen. Wamatangi stood up in his place)*

Order, Sen. Wamatangi.

**Sen. Mositet:** Mr. Speaker, Sir, I thank Sen. Hassan for his idea of bringing this debate into this House. Since 2013 after the election, we know very well that this House had voted for a lot of money to go to the counties. I believe we had a problem of reducing the budget, from what we had proposed, of about Kshs238 billion to Kshs210 billion.

Mr. Speaker, Sir, even in the 2014/2015 Financial Year, what we had agreed on as a Senate to go to the counties was reduced. We are in mediation and the National Assembly is still a major problem. That makes me wonder because all the Members of National Assembly are also from our counties which require a lot of money.

Mr. Speaker, Sir, if, for example, I look at my own county, I see that health services have really improved. Kajiado Hospital was almost closed initially when it was being run by the national Government. When you go there right now, you will find big queue; patients queuing to be attended to. That is the same even in the rural areas.

Maternal health care has really improved. For them to assume and say that the same services can go back, that is an abuse to devolution.

Mr. Speaker, Sir, it was just the other day---

**The Speaker** (Hon. Ethuro): Order, Senator! Your time is up.

**Sen. Okong'o**: Mr. Speaker, Sir, on the issue of reverting the health function back to the national Government, the horses bolted a long time ago. Those who dream in that world must forget about that. What we might require to mitigate this issue is maybe to create a system that includes a national health commission to look into issues of healthcare and medics who work under some Governors, who seem not to understand what they are doing.

Secondly, devolution is a revolution whose time has come. Just like in the French Revolution of 1789s, we have a few rogue Governors who are misusing funds meant for healthcare. We cannot blame counties for failure, but a few rogue Governors who need to be guillotined. Forty Seven, 20 or ten individuals cannot hold hostage 40 million Kenyans. We will deal with those Governors and this function will stay in the counties and succeed.

Thank you, Mr. Speaker, Sir.

**Sen. Mungai**: Thank you, Mr. Speaker, Sir. Let me, for once, thank the Senator for Mombasa for bringing to the attention of this House the issue touching on hospitals---

**Sen. Hassan**: On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Order, Senator! The Senators have limited time and so, let us not interrupt. We have heard you even before you say it.

**Sen. Mungai**: Mr. Speaker, Sir, thank you for your protection.

Issues touching on hospitals are devolved. The House that is supposed to discuss such issues is the Senate. So, we are the people who can recall a function. Therefore, I feel that the challenges that are facing the sector are the same ones that our House is facing, in that it is the first time that the Governors are handling issues touching on hospitals and other challenges that they are facing in the implementation of their various roles in the counties.

**The Speaker** (Hon. Ethuro): Conclude, Senator.

**Sen. Mungai**: Mr. Speaker, Sir, this House, therefore, is very keen and capable. We are the ones who can recall a function like that.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Senators, that brings us to the end of that particular point of order, but there is still one more.

Just to summarise, Sen. (Dr.) Machage concluded it as I would have directed. Let the Standing Committee on Health do a comprehensive report. The transfer of functions is well spelt out in the Constitution and we do not need any new provisions. As Sen. Mutula Kilonzo Jnr. said, those who talk about it will keep talking. There is a procedure in which one level of the Government can ask another one for assistance. But the responsibility still remains with that level of Government. So, these issues are already very clear. We just need to improve on them.

Sen. Abdirahman.

## STATEMENT

## RATING OF SENATORS BY INFOTRAK

**Sen. Abdirahman:** Mr. Speaker, Sir, I rise under Standing Order No.45(2)(a) with regard to a matter of great concern not only to me but many other Senators in this House. The matter is the purported rating by Infotrak which was widely captured today in the *Daily Nation* newspaper.

In the name of trying to strengthen Governors and accountability, Infotrak – I am told it is a research and consulting firm – has decided to rate Senators on a yardstick that I cannot comprehend. I am sure that a number of other Senators will agree that the yardstick used to measure Senators' performance must be pegged on the functions of the Senators in this country, as passed by the Constitution.

The misinformation, inaccuracies and misrepresentation of facts, as laid bare today in the *Daily Nation*, is not something that we can actually keep quiet about, as the Senate. This is a House of dignity and serious leaders. This is a House which is the voice of reason in this country whose leadership cannot be put into question by a small consulting firm, which is out to cut deals with donors on this.

*[The Speaker (Hon. Ethuro) left the Chair]*

*[The Deputy Speaker (Sen. Kembi-Gitura)  
took the Chair]*

Mr. Deputy Speaker, Sir, from the comfort of their desks and the air-conditioned offices where they are, they were able to sample a number which they are yet to clarify. None other than a lady called Angela Ambitho has confessed that they were able to call a few respondents in the various counties that we hail from. This is not a matter that we can take lightly, because it puts our integrity, capabilities and history into disrepute. I do not think that the Senators will take this lightly. Our visibility out there cannot be put into question just because somebody feels that he or she should place you at Nos.1, 43 or 46. I completely disagree with the report and I am sure many other people disagree too.

I want to call upon the Speaker of the Senate to, in fact, bar or sanction the *Daily Nation* newspaper from covering any further proceedings of the Senate. They too have a responsibility to safeguard the integrity of Members of Parliament, Senators included. They also have a responsibility to guard what is for public consumption. This is a matter which must be laid to rest not later than today. Out of the 14 million Kenyans who were registered as voters in the last general elections, they have taken a sample size of 2,800 people as alleged. I wonder what scientific methods they have used to arrive at this.

It is the high time that they retracted this information. The *Daily Nation* newspaper must be condemned. I want to urge my colleagues to join me in doing that this afternoon. I am again reliably told that it is only the *Daily Nation* newspaper that keeps capturing research findings by pollsters. We know that the Senators require more funds to be visible out there, but our core business is not actually to deliver development but to

oversight, legislate and promote the interests of counties. What is the yardstick to measure the promotion of interests of counties? What is it that Infotrak knows that we do not know ourselves?

Mr. Deputy Speaker, Sir, with those few remarks, I want to thank you very much for allowing me to speak on this matter.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you very much, Sen. Abdirahman. This is a matter raised under Standing Order 45. I can see requests, but I do not know whether they are on this matter. This is because I can see names of Senators who are not in the House.

Sen. Kajwang, is it on this issue?

**Sen. M. Kajwang:** Yes, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Okay. Let us start with you.

**Sen. M. Kajwang:** Mr. Deputy Speaker, Sir, on the matter raised by my colleague, this morning I put it to the journalist who was responsible for this article to provide me with a background that led to this particular news item. The reporter responded that all they got from Infotrak was one question that was put out to potential respondents. That question was: "On a scale of 1 to 10 how do you rate your Senator?" This is more of a popularity assessment than a performance assessment.

When you wake up in the morning and see headlines of an expose of who the best Senator is, I am sure that all the Senators this morning bought that newspaper expecting that their names would be top of the list. It is unfortunate that they went ahead and only listed 46 counties when we know that there are 47 counties. Of course, they gave certain reasons why the 47<sup>th</sup> county, which is Homa Bay was not ranked. However, I can tell you that going by this popularity assessment, probably Homa Bay County could have been at the top of the list. This is because Homa Bay County has just come out of a by-election.

It is a wrong approach towards assessing the work that these hon. Senators put in. In the few months that I have been here, I have realized that a proper assessment of the work of Senators must look at a number of things, including contribution in the House, Committees and responsiveness to issues that affect people out there in the counties.

I do not begrudge the Senators who were ranked very highly in that particular report, but I think that it is wrong for a responsible media house to use this as a tactic to defuse the tension that has been going on in the country.

Mr. Deputy Speaker, Sir, in the few months that I have been here, I have seen that a proper assessment of the work of Senators must look at a number of things, like contribution in the House, in committees, on policy matters and responsiveness to issues that affect people out there in the counties. I do not begrudge the Senators who are ranked very highly in that particular report but I think it is wrong for a responsible media house to use this as a tactic to diffuse the tension that is going on in the country.

No amount of headlining and sideshows are going to make Kenyans forget that the 60 days that the President gave for prosecution of corruption cases are almost here and nothing has happened. No amount of sideshows is going to distract us from the fact that the Deputy President of this nation is being accused of a scandal of preposterous proportions which, if we were to go by the same blade that was used to shave---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order. The Speaker brought to your attention Standing Order No.90; you must be very careful, Sen. M. Kajwang, not to cross certain lines. There are some issues that will require you to bring a substantive Motion against making the kind of contribution you are now making. I am just cautioning you.

**Sen. M. Kajwang:** Mr. Deputy Speaker, Sir, I will get off that tangent because it can lead me to trouble but--

**The Deputy Speaker** (Sen. Kembi-Gitura): I will ask you to withdraw that last part of it.

**Sen. M. Kajwang:** Mr. Deputy Speaker, Sir, I need to get clarity on the part--

**The Deputy Speaker** (Sen. Kembi-Gitura): The point I am making to you is on Standing Order No.90 and it is important. I do not want to prolong this issue but when you mention the Deputy President, Sen. Kembi-Gitura or Sen. M. Kajwang, under Standing Order No.90, I cannot allow you to proceed beyond that point but you may proceed.

**Sen. M. Kajwang:** Mr. Deputy Speaker, Sir, not to begrudge the point, I was talking of a matter that is in the public domain---

**Sen. Sang:** On a point of order, Mr. Deputy Speaker, Sir. You cautioned the Senator against a certain direction of debate but he had already made certain statements. He either has to withdraw and apologize or substantiate. We are complaining about the same thing of media reports that are baseless---

**The Deputy Speaker** (Sen. Kembi-Gitura): I have already told Sen. M. Kajwang that.

**Sen. Sang:** Mr. Deputy Speaker, Sir, we cannot allow that he uses the same media reports that we are complaining about against somebody else.

**The Deputy Speaker** (Sen. Kembi-Gitura): I told him to withdraw that last statement that he made.

**Sen. M. Kajwang:** Mr. Deputy Speaker, Sir, I will withdraw from the perception created. The point I am making is--

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. M. Kajwang, I do not want to put you or myself into trouble. The point I am making is, in the same way you do not want your name to be mentioned without a substantive Motion, in the same way I will not allow you to draw people's names under the privilege of Parliament because they have no way of defending themselves - that is the purpose of the rule. I will not allow you to go in that line. You mentioned the name of the Deputy President, out of context, in this case. That is why I am asking you to withdraw that last part, so that you can proceed.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. I was wondering before the distinguished Senator for Homa Bay withdraws and apologizes, if we could look at Standing Order No.90--

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, I have made a ruling on that specific one. You had sought the Floor, so I will give you a chance to ventilate on any point that you want when your time comes—

**Sen. (Dr.) Khalwale:** I just wanted to be sure whether---

**The Deputy Speaker** (Sen. Kembi-Gitura): I am clear about Standing Order No.90. I did not even look at it; I quoted it off-head because I know it.

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, may be you could allow me to refer--

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, are you suggesting that the ruling I have made under Standing Order No.90; that it is, he either withdraws or he brings a substantive Motion - or are you saying I am wrong?

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, I just wanted to draw to your attention that you should have given the Senator an opportunity to decide whether he wants to move a substantive Motion at a later stage--

**The Deputy Speaker** (Sen. Kembi-Gitura): That is his inherent right. If he wants to bring a substantive Motion tomorrow and it is in the proper order, it will be certified to be correct and he can bring it if he wants, you may also bring one, if you wish.

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, if he wants to bring it, will he still have to apologize and withdraw?

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, I have made a ruling. If Sen. M. Kajwang wants to proceed with his contribution, he is going to withdraw.

**Sen. M. Kajwang:** Mr. Deputy Speaker, Sir, out of respect to the Chair, I withdraw.

If you allow me to make the final submission on this particular matter, those of us who have studied a little bit of public relations and media understand the agenda setting role of the media. The point I am trying to make is that the media needs to be careful when trying to set an agenda, so that they do not sweep under the carpet issues that have been raised to the fore of national discourse by using a popularity assessment similar to the one that was released yesterday.

Finally, I do not support the call to take sanctions against Nation Media Group because as a media house, we should allow them to report fairly, objectively and freely. We might not like what they say about us but we must allow them to say it. However, we really need to emphasize to the pollsters that the work of a Senator is not assessed by a popularity survey that is done in market places. If we have to do a popularity survey to compare a Senator, a Member of County Assembly (MCA), a Governor and a Member of Parliament (MP), the Senator will be ranked lowest because he does not have a fund from which he can dispense bursaries, jobs and other goodies.

**The Deputy Speaker** (Sen. Kembi-Gitura): Very well said.

Sen. Mutula Kilonzo Jnr., are you seeking a point of order?

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, I want to contribute but I have pressed the wrong button.

**The Deputy Speaker** (Sen. Kembi-Gitura): Go to the correct button.

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, it is on now.

**Sen. Mungai:** Mr. Deputy Speaker, Sir, I rise to support what the Senator has talked about. I am a victim of the same report by Infotrak. When we look at the sampling that was done of about 2800 people in 47 counties, that translates to 60 people per county and that cannot give a proper indication as to the performance of a Senator. I believe that there are better days - the other day the President of the nation said that newspapers are

good and they are supposed to be used for wrapping meat. It is important that they remove themselves from that kind of image.

Mr. Deputy Speaker, Sir, Nakuru County has 11 sub-counties and my engagement with the county is known by the residents. I believe that I had competitors and if 60 people from my competitors are asked about my performance, it will be negative, so it is wrong. Next time they do it and I would request that they repeat, they should ensure that they look at a wider bracket, the county as a whole and Senators as people who represent smaller counties while others represent bigger counties, so the ratio is supposed to be different. I do not believe that I was placed where I am supposed to be.

The day that I was sworn-in as the Senator for Nakuru County, I realised that the Government had not made provision for the movement of my county office workers. I dipped into my pocket and bought a vehicle worth Kshs2.5million to help my officers to move around the county. I would want to be challenged by any other Senator who may have done that, that early. I did that to ensure that my engagement with my people is adequate. There is nowhere where my presence was required and I was not represented.

On affairs that affect my people, they know very well that I am quite accessible. I am normally accessible for 24 hours. The people of Nakuru County know that. I do not know what else they would want. I do not know what parameters and methodology were used to apparently bring out these results. As I conclude, the final comment that I can make is that, the report is inaccurate. I have received calls and text messages from the County saying that, that is absolutely wrong.

Therefore, I support the Senator and say that that the *Daily Nation* is supposed to apologize and ensure that they do not mislead *wananchi* in future. This House is doing its best to ensure that our counties are running properly. Even the dispute that is between this House and the National Assembly has resulted from the fact that the Senate wants more funds to be given to counties. It is also this House that is pushing for issues touching even on emergency funds. Specifically, some of us could have been involved in pushing in some of those figures. So, it is important that credit be given where it belongs.

I support the Senator.

**Sen. (Dr.) Machage:** Bw. Naibu Spika, asante kwa kunipa nafasi.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Muthama, do you have a point of order? I can see that you are restless.

**Sen. Muthama:** Mr. Deputy Speaker, Sir, since 2.30 p.m., I have been here but have not had a chance to contribute. I am requesting for a chance to contribute.

**The Deputy Speaker** (Sen. Kembi-Gitura): Of course, you understand that I have a list that I am following. Every order has been dealt with separately from the other. So, now it is Sen. (Dr.) Machage's chance.

**Sen. (Dr.) Machage:** Asante, Bw. Naibu Spika. Sijui mwenzangu aliona ni heri yeye apatiwe nafasi ya kuchangia Hoja hii badala yangu, lakini basi haidhuru, nitaendelea.

Mheshimiwa Abdirahman amependekeza na kusema mambo yaliyotokea leo asubuhi. Kilichoanzisha haya ni ripoti ambayo ilichapishwa na gazeti la *Daily Nation* kuhusu utendaji kazi wa Maseneta. Walitoa orodha ya majina ya Maseneta wanaofikiria kwamba wanawahudumia wananchi. Ripoti hiyo ina majina ya Seneta wa kwanza hadi



wa mwisho. Wametangaza hadharani kwa ulimwengu mzima bila kujua kwamba walicholifanya kina madhara. Hawakuziweka sababu zao za kufanya hivyo hadharani; kinaga ubaga, kusudi wananchi wajue kwamba wametumia mbinu Fulani. Ni mbinu gani walitumia kutengeneza orodha hiyo?

Lakini nikiangalia orodha hiyo bila kuingilia nafsi ya mtu au kiongozi mwenzangu, sio lazima Seneta aonekane kwamba yeye ni mtu wa kuanzisha vita mahali popote pale ili awe nambari moja. Itabainika kwamba lazima Seneta labda awe na uwezo wa kutengeneza hela zingine za tashwishi kusudi awe na miradi ambayo hata Serikali kuu haiwezi ili aonekane kwamba yeye ni nambari moja. Pengine anafaa kuwa na desturi zisizokubalika kusudi awe kati ya wakubwa kumi. Pengine anafaa kutohudhuria vikao vya Seneti. Ati usipohudhuria vikao vya Seneti, wewe waorodheshwa kuwa nambari moja. Jameni, mbiu ya mgambo hiyo!

Nawatangazia wananchi kwamba, wazisome sera za kila Seneta hasa wale walioorodheshwa kuwa wa kwanza kumi; wazisome sera zao. Sisemi kwa ubaya lakini kwa sababu mkia ulikatwa, lazima ulie kwa sababu wadondosha damu. Wasome pia sera za wale ambao kila wakati wanaketi ndani ya Seneti wakipendekeza vilio vya wananchi kutoka sehemu zao na wako hapa. Wengine hata wameangaliwa na Seneti na kupewa majukumu ya kuongoza vikao vya Seneti wakiwa Seneta wa kawaida. Wamepewa majukumu ya kumsaidia Bw. Spika; ati anaorodheshwa huku nyuma. Jameni ukistaajabu ya Musa, utaona ya Firauni!

Mimi siungi mkono kwamba gazeti la *Daily Nation*, likatazwe kuandika mambo ya Seneti kwa sababu sisi tutaonekana vibaya tukichukia hatua kama hiyo. Lakini sisi tunawaambia watahadhari wanayoyaandika. Kweli jukumu lao ni kutaka biashara, leo wameuza magazeti kwa pesa za kishindo kwa sababu ya kuwadanganya wananchi; kuwaonyesha wananchi kwamba fulani ndiye nambari moja na mwengine amevuta mkia.

Sijui wameniweka wapi mimi. Nasikia niko kwenye nambari 25. Silalamiki, huenda hapo ndipo nipo. Lakini wawaangazie wananchi sababu ya kumweka huyu hapa ni gani, kusudi hata mimi nigutuke nione kwamba hili pengo lahitaji kuzibwa. Mimi sio kiongozi ambaye anataka kuona vita mashinani; kwamba mimi Seneta ati kusudi nionekane na kuorodheshwa kuwa Seneta mkuu, lazima nianzishe vita na Gavana wangu. Mimi nikiwa Seneta wa Migori, kazi yangu ni uwiano.

Juzi watu wa Migori walifanya fujo na kumtupia Rais viatu; ilibidi niwakusanywe Wanamigori waje Nairobi kumwomba Rais msamaha, kwamba jambo walilofanya ni mbaya. Hiyo ndio kazi ya Seneta, kuleta uwiano na amani. Mimi kwa kweli, nisingeorodhesha Seneta yeyote anayetoka sehemu zilizo na vita ati kuwa yeye ndiye Seneta mkuu. Sehemu ambayo watu juzi wameuawa, arobaini, sitini na mia moja---. Damu inalia kwa mikono yao. Sijataja jina la mtu lakini nimetoa mfano tu.

**The Deputy Speaker** (Sen. Kembu-Gitura): Sen. Sang, what is your point of order?

(Laughter)

(Sen. Sang spoke off the record)

**Sen. (Dr.) Machage:** Sisi tukiwa viongozi---

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Dr.) Machage, even though you did not mention somebody's name, the list is there. I only request you to be careful because I do not think any Senator put themselves where they are on that list. If you have any wrath against Infotrak, the *Daily Nation* or anybody else, let that be so. Let it not be against your colleague because maybe they woke up and found their names there too. We need to be fair and deal with the issue at hand.

**Sen. (Dr.) Machage:** Bw. Naibu Spika, nimesikiza kabisa na nikaweka mawazo yako maanani. Kama nimemkosea mwenzangu, naomba msamaha.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you.

**Sen. (Dr.) Machage:** Bw. Naibu Spika, sio kwa kupenda kwangu lakini kwa sababu ya mfululizo wa mawazo yangu labda nikamduru hivyo yeyote yule anahusika. Nililosema ni kwamba tunahitaji kuwa na amani mashinani. Nilisema pia kwamba sisi viongozi tunastahili kuwa mreno wa mbele kuhakikisha kwamba amani imedhihirika nyumbani. Tunataka waandishi wa magazeti waajibike. Wanafaa kuajibika na kuwapa Maseneta uwezo wa kutekeleza majukumu yao mashinani. Vile sheria ilivyo sasa, usipotumia mali yako, kwa mfano, kutembelea Kaunti ya Migori iliyo na Maeneo Bunge tisa, basi huwezi kufanya kazi. Mimi napata mshahara ambao unalingana na wa Mbunge ambaye anawakilisha Eneo Bunge moja.

Bi. Sarah Serem anafaa kuyaangalia masilahi yetu kwa sababu hii sio haki. Seneta anastahili kupewa uwezo wa kufanya kazi yake. Kama tutapewa uwezo wa kuiba ili tuyatekeleze majukumu yetu, basi tutaanza kupanga. Ni nini kilichobaki? Hakuna kitu ambacho tunaweza kufanya. Lakini, wengine wetu ni Wakristu, au Waislamu tuliதாகসিকা kwa injili. Hatuwezi kuiba, kuenda kutafuta biashara ya mihadarati wala kuua ndovu ili mradi tupate pesa za kwenda kutekeleza majukumu yetu mashinani. Mungu atusamehe kwa hayo.

Bw. Naibu Spika, nashukuru.

**Sen. (Prof.) Lesan:** Thank you, Mr. Deputy Speaker, Sir. I also want to support the Motion that has been brought by Sen. Abdirahman. The ratings that appeared in the newspapers today morning were very shocking and, indeed, to a large extent, very annoying. These studies are useful because they help to form an opinion of either a group or society.

**The Deputy Speaker** (Sen. Kembi-Gitura): Probably each Senator should start by telling us how he or she was rated and what number they were.

**Sen. (Prof.) Lesan:** Mr. Deputy Speaker, Sir, since I do not believe in the study that was carried out, I will leave it to the readers to see what number Bomet County was. However, I believe in studies and the results.

I strictly disagree with the method that was used to carry out the study. Infotrak has done studies before. If you look at these studies, you will see that they did not conform at all to the methods that we use to collect information scientifically. For example, the sampling process is undefined. They have not indicated the confidence levels they have used. If they said that they used 95 per cent confidence level, I would have understood. If their sample was big enough to calculate the results and indicate in the chi-square for the results for example--- If this method was used, and completely

identify the factors which were being studied, completely identified, then we can accept these kinds of studies.

However, as they are, they have not followed any method and the results have been distributed widely. I can only consider that this study is very destructive to characters of Senators, since they have not indicated what exactly they were evaluating. Our role as Senators is indicated in the Constitution and if we were to carry out any of these studies, we would need to seek permission from the relevant authorities in this country, to collect information. If this information can be disseminated to the world, which I know that they can at the moment with their scientific knowledge, there must be a way in which a country guards on the results of studies, which must live up to and attain certain standards before they can be used.

Mr. Deputy Speaker, Sir, I want to state this afternoon that this particular study by Infotrak does not satisfy any of the reasons that I know for carrying out a scientific study. Therefore, the results are not justifiable to be distributed and used by the public. Infotrak, as a result of this study and others have deliberately used their position to carry out their business but in the process, they have maligned and given wrong information as to the performance of the Senators of this country. I would urge that if Infotrak is going to carry out another study, they should identify the kind of problems that Senators in the country have in carrying out their mandate, and carry out a study to inform the position and improve the performance of Senators in this country for the benefit of the citizens of this land because after all, that is the reason why we are here.

Mr. Deputy Speaker, Sir, with that, I wish to support my colleague. I do not know what number he was, but I share with him the frustrations that he has. As a Senator and a long serving Member of Parliament, of course, if he is a number lower than me, as a first time Member of Parliament, I know that it is very disappointing for him.

**Sen. Ndiema:** Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute. I thank the Senator for Wajir County for bringing up this issue, which is a big shame to an institution that purports to be professional in doing proper assessments in a scientific manner. As I look at the report and the manner in which they went to collect data, it is a mockery of professionalism. I want to believe that an institution like this one would wish to pride itself as one that promotes good governance. If we really want to promote good governance, then we have to assess the person and in this case, the Senator in terms of the functions that he is supposed to do. There is adequate data to draw that from than merely making perhaps ten or 60 phone calls and then saying that is the information that is the basis for these results.

Mr. Deputy Speaker, Sir, this is character assassination and it really does not add any value to good governance. It is misleading and I urge Kenyans, including the citizens of Trans Nzoia County, to disregard this report in totality. What would prevent a character in that organization wanting to fix somebody to just say that he telephoned? How can they prove the information that they got? It could even be that somebody sat at a desk and decided how they will rate Senators either because they do not like their face, character or many other things. This is not the opinion of the people in our constituencies and areas.

I challenge this organization, because the *Daily Nation* just went ahead to report. It was proper that the *Daily Nation* reported and exposed Infotrak for what it really is; a cheat. We have previously seen them ranking other organizations or individuals. It is no wonder their ranking does not count at the end of the day.

I support this Motion and urge that you use your office to ensure that the image of the Senate is protected. Senators are not discouraged by organizations or people who through malice use newspapers to assassinate the character of Senators. This is because, in so doing, the reputation of the Senate is also at stake.

**The Deputy Speaker** (Sen. Kembi-Gitura): Please, proceed Sen. Mositet.

**Sen. Mositet:** Mr. Deputy Speaker, Sir, let me also join my colleague in supporting the Deputy Leader of Minority for bringing the attention of the House to what appeared in the media. I would like to say that the 47 Senators are very important to their counties. We have a major role to play and make sure that we protect the counties. I want to say that the method that was used by the journalist was not the best. We can rate the Senators on the way they protect devolution. First of all, I know that all the Senators have been articulating issues on how we can protect devolution and ensure that the county governments work. When you rank Senators, one wonders whether it is an end of a session. I am saying this with a light touch. It is not bad to be number 47 because if you have to be ranked, then one has to be there.

The question is; how has this Senator been working with his county? Has he been protecting and making sure that the county gets what it deserves? Has he been representing the county in the Senate? Has he been participating in the legislative process? We have counties which are far from Nairobi and we have those which are big in size. Therefore, the method of sampling here is wanting.

Mr. Deputy Speaker, Sir, oversight should be looked at in terms of how the governor or the county government is working. Are you going to attack or fight? Are you going to make sure that you bring them together for the purpose of implementing devolution? It is important to make sure that we are doing our oversight work. This has to come out clearly. Quite a number of people do not understand the role of Senators. Sometimes, when you go where there is a function which the Member of Parliament has gathered constituents to issue cheques meant for bursaries, the entire constituency is told that people are assembling because the Member of Parliament is disbursing bursary cheques. The Member of Parliament will make sure that the entire constituency is aware of what he is doing. I do not think that is the way to go about it. If we are assisting needy children, we should make sure that we identify the very needy. When one does it through a public *baraza*, it becomes a populist way of doing things. Those who do not have bursary cheques to issue are asked questions. The Senator is asked what he has. They even go ahead to say that in that particular school, there could be a pit latrine which does not have a roof and they say the Senator can go ahead and do it---

**Sen. Ndiema:** Continue!

**The Deputy Speaker** (Sen. Kembi-Gitura): Order! Who is that saying “continue?”

Sen. Ndiema, you do not have the power and you cannot even purport to have the power to authorize your colleague to continue when his time is up.

His time is up and that is it. Each of you contributing has five minutes and you know the rules of the House. Actually, there is a lot of interest and it appears everybody wants to have a say at this. Please organize your contribution and thoughts so that within five minutes, you should conclude.

**Sen. Mositet:** Please allow me one more minute.

**The Deputy Speaker** (Sen. Kembi-Gitura): I will allow you that one minute because I had not indicated that it is five minutes for each of you.

**Sen. Mositet:** I was saying that it is very important for us to make sure that there is civic education so that the role of Senators is well known. It has even forced me to go into the local vernacular radio station so that I can educate the Maa people about the role of Senators. Due to that, many people have called me and told me that they now understand that my role is to make sure that there are funds in the counties and also that the counties are protected. We should urge the Constitution Implementation Commission (CIC) to do civic education so that people can know the role of the Senate and the role of county assemblies. Right now, the major problem we have on the issue of Finance Bills in the county assemblies is simply because of lack of public participation. The public is not aware---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Senator. Your time is up.

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, granted that there was an attempt to give me a good grade, I would like to address my friend, Angela Ambitho. She should ask herself; why is it that every time she releases an opinion poll, she is challenged? Even before we went to the general election, Ipsos Synovate was releasing opinion polls and it would be challenged. As the father of opinion polling law in this country – I am the one who brought it – I remember, I consulted Ambitho, Dr. Martin Oloo, a lecturer at the school of law and Ipsos Synovate. We agreed that whenever you do this for public consumption, you must declare the question. The question which she declared was completely inadequate. The question that can lead to the assessment any one of us would have to ask the voter the following: Do you think your Senator participates in sessions of the House? Do you think your Senator has performed well in matters of oversight? Does your Senator sit in committees? Does the Senator move Motions? Does the Senator move Bills? Does the Senator protect funds that are allocated to his or her county?

These are practical questions to which members of the public can respond. If that question was fair, it should also have remembered that in this House, we do not have only elected Senators through universal suffrage but we also the specially Nominated Senators. Where are the women Senators in this opinion polling? They are doing a fantastic job in this country. I want to urge Infotrak to make scientific research that can attract all the players in this House so that it does not look like they are setting us against each other.

Mr. Deputy Speaker, Sir, the issue of sampling of the population and the issue of who is paying, the law demands that Infotrak names them. Yes, they have declared that they were commissioned by the Nation Media Group but it was wrong to pay good money to Infotrak who did not do a good job. They did a shoddy job. The Nation Media Group failed. Why were they wasting money?

What is more is that the law requires that the sample population should be described. What does Ms. Ambitho tell us on her sample population? She tells us that it was through computer assisted telephone interviews. The law does not say that. The sample population is supposed to be live. What will stop somebody on a telephone interview from calling 100 people to be the ones who will be responding when they have already been prepared? I then read mischief to the extent that this suggests that somebody wanted to make political mileage out of this particular polling.

Mr. Deputy Speaker, Sir, how? Who would believe that the Senators for Mandera, Makueni and Kiambu as we know them, are Nos.19, 22, and 23 respectively? The Senator for Murang'a County has scored a mere 51.1 per cent? The Senator for Nyeri, Sen. Kagwe, who does a lot of work in the committees has scored 46.4 per cent. The opinion polling was supposed to make this thing useful to the country.

Lastly, if whoever is instigating this wanted to make use of it politically, be it the Nation Media Group (NMG) or any political player, then I should remind Ms. Ambitho that you cannot poll on people in Tana River County and poll on different people in Kakamega County separately and then use the respondents of the people of Tana River County to compare the performance of the Senator for Kakamega County with the Senator of Tana River County. The only way you can compare the Senators for Tana River and Kakamega counties is because the sample population was interviewed on me and Sen. Bule. Otherwise, you are actually playing politics.

These same figures of 74.5 per cent and 46.4 per cent could still have been used with due respect. Only that you needed to give that 74.5 per cent of Sen. (Prof.) Lonyangapuo and his potential opponents so that you will say that in the event that he competed against them, he would get 74.5 per cent and then take Sen. Bule with 46.4 per cent and compare him to the people he would be competing against. That would be a fair assessment.

I support you and urge Ms. Ambitho to be more scientific and help this country.

**Sen. Sang:** Mr. Deputy Speaker, Sir, without taking much time, I share the concerns raised by Sen. Abdirahman. Opinion polls have been used many times to mislead the public. We know that towards the run up to the last general elections, many opinion polls were churned out giving different figures. You would find three different opinion polls giving totally different positions on the same issue. The most important thing if you were to do opinion polling would be to have the right questions. It is important that if you have to rank Senators, governors and Members of the National Assembly, it has to be based on their job descriptions.

I would have expected that the first question of the pollster would be whether the respondent understands the role of a Senator. Based on that, they would then give us the percentage of the number of respondents who understand the role of a Senator and those who do not. After that, you would now focus on the ones who claim to understand and then ask them to state the roles of a Senator, then proceed to rank their Senator. Treating us to a popularity contest does not help.

It is really unfortunate that a credible newspaper – now that we are made to understand that they are the ones who commissioned this poll – why did they not take time to give the pollster the exact questions that they wanted to rank the Senators on?

That points out to some sinister motive. Whereas I do not agree with Sen. Abdirahman that sanctions should be placed on the *Nation* Newspaper, we need to have a discussion with them for us to understand that which they were keen on or what they were trying to achieve with these polls.

Mr. Deputy Speaker, Sir, as Senators, let us take heart in the fact that Kenyans are not fools. According to the pollster, 2,800 people were asked to respond to these questions. In my county, I have over 200,000 voters and, therefore, do not want to bother about the 60 who may actually not even be members of Nandi County. However, I want to focus on the many people in Nandi County who have trust, confidence and believe in my leadership and I have to deliver on my role.

This House needs to engage seriously on civic education. We may not want to leave that to any other institution. Let us get our people to understand the role of the Senator so that we have better means of ranking Members of this House in terms of their contributions.

With those few remarks, I think that concern needs to be registered.

Thank you.

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, I thank Sen. (Dr.) Khalwale for being graceful in victory. Very few Senators who have been ranked as high as he has would have complained. I am just concerned that we are being set up for a trap and I think we are falling for it. You know that the work that we are doing in the Senate cannot be achieved at the individual level. So, it is just impossible to have that sort of ranking on the work that you do at the Senate, unless they rank you when you are sitting in the Chair and sanctioning us for not complying with the Standing Orders.

On my part, I must declare that I was put at No. 22. I do not want to complain about it because I do not know how somebody would pick a piece of paper and ask somebody on phone how I am doing my work at the Senate. I am not bothered too much about it. What bothers me is that Senators are going to be driven to a corner where they will be pursuing personal issues like Sen. (Dr.) Machage says, and which would make them popular. That way, we will then lose focus on the work that we are supposed to do as the Senate where we are supposed to sit in committees and pass or scrutinize legislation and do the work that Sen. (Dr.) Khalwale is doing for example, in his Committee. Therefore, we would lose the point if we start chasing small rainbows.

Mr. Deputy Speaker, Sir, the law is in place. I would have preferred possibly a Motion which seeks to ask the question that where there is no compliance, we seek for questions on why there is non-compliance. That would help us because the sort of sanctions that Sen. Abdirahman is seeking are most likely not provided in the law. We would then fall into the trap where everybody who is annoyed with the Fourth Estate just seeks to sanction them or gag them. Again, it is a trap and we cannot fall into it.

We must say that the information that you published does not comply with the law. It may be that the report that you summarized cannot be blamed on the person who wrote the report because, maybe, he does not know what the law requires as Sen.(Dr.) Khalwale has so ably put it. What was the sample? May be our work is to ask for the sample and that report so that we can analyze it in great detail and see whether there were some violations.

I believe that if the law provides that there should be a method or sample, we have a right to know as the Senate. This is because we are ranked jointly and severally to ask for a report from the person or even one of the committee members to summon Ms. Ambitho and ask how she arrived at that. That way, we can determine that Infotrak Harris is not doing marketing since this is also a marketing method. I know how pollsters work. We should not be too bothered about it.

Mr. Deputy Speaker, Sir, two weeks ago; 7<sup>th</sup> May, 2015, Britain went into polls. On that day, there were polls saying that there would be a hang Parliament and all sort of things. What eventually happened is that some people lost and they lost heavily. That was not in the polls. Therefore, I personally think that this matter should be taken up seriously. The matter ought to be committed – if we are serious about asking relevant questions – to a committee, they can interrogate so that we do not start quarreling.

Mr. Deputy Speaker, Sir, it is possible that Sen. (Dr.) Khalwale who is referred to as “Muteti” in Makeni would rank, in some categories, even more popular than myself. The criteria used must be discernable so that all of us appreciate what is being done. Polls have been used in various developed countries to provide useful information for useful purpose. This should be the case in Kenya so that we know that when they rank Senators or the work of the Senate, we should inform the public out there. I can tell you for a fact that newspapers have been sold and people have made photocopies. We are all over *Twitter* and *Facebook*. Everybody is asking the same questions that we are asking.

Mr. Deputy Speaker, Sir, we cannot appear to be the same as voters in Makeni who are asking how their Senator was ranked. We ought to have a better formula of interrogating these things. I would propose another direction on this other than sanctions; a more scientific and legal process.

**The Deputy Speaker** (Sen. Kembi-Gitura): Your time is up.

**Sen. Karaba:** Mr. Deputy Speaker, Sir, I wish to also thank Sen. Hassan for coming up with this Motion. When the names appeared in the newspapers, I was wondering why Sen. Hassan was in that position because I know what he is worth in this House. If you remember, in the Ninth Parliament, he was voted one of the best debaters only to hear that this time round, he has not even appeared in the top ten.

Mr. Deputy Speaker, Sir, things happen but you have to ask why they happen. The Cabinet Secretary for Education, Prof. Kaimenyi, banned ranking of schools by the Kenya National Examinations Council. You can, therefore, see what it means. These are the kind of hustles that would spell doom to pupils, parents and teachers in our schools if ranking was to be doubted. This is the reason why ranking of schools was banned by the Cabinet Secretary.

That notwithstanding, Mr. Deputy Speaker, Sir, we can even rank ourselves. By the look of things, even the same public can assess us the way we talk here, the way we pose and the way we are here for long hours. They even know the kind of contributions that we make while out in the counties. Therefore, whatever is in the newspapers is not the gospel truth. We need to come up with other alternatives if one method fails.

It is true that on some of the figures and derivations, newspapers could be inciting the masses. We, therefore, need not to pay attention on the matter the way most Members have said because we know ourselves. I know what I do for the Senate and what I do



when I go to the counties. I know my contribution. It is, therefore, needless for me to be ranked because that will not change my pattern of doing things. I appeal to Members to ignore this since they know what they do for their people, this country and the committees because we do a lot of work.

We should ask the people who came up with such kind of reports to come to the Senate one day and see the kind of work we do here. We do a lot of work. If they did not know, they need to come and attend one of our *Kamukunjis* and hear for themselves. They should not write things to belittle the effort put forth by Senators here.

It is time that we asked them what else they expect us to do. Do they expect us to jump and if that is so, how high? Do they expect us to bend and if we have to bend, how low? These are some of the questions that we ask as educators. The moment you do research anywhere, you must have an objective for conducting the research. What kind of research was conducted by the Infotrak and what were they trying to project? Were they trying to suggest that number one is the best in everything while number 47 is useless? If that is the case, then, so what?

These are the kind of questions that we need to ask ourselves. Let them know that we are elected leaders. I was elected by over 250,000 voters. They should realise that voters are not crazy; they knew who they were looking for and they have a lot of faith in us. They have a lot of trust in what we are doing. That is why we keep on coming here to table Motions and contribute a lot in the House.

Somebody cannot just assume that by calling one, two or ten people, the results should be universal. That is not the case. Interviewing 2,800 people on telephone out of 250,000 people is not okay. Those are peanuts; a drop in the ocean.

Mr. Deputy Speaker, Sir, we should not even be discussing that report because to me, it is not substantial. As far as I am concerned as a teacher, to get a sample, you must have a representative figure. You have to come up with something called “representative sample.” What they used is not representative. It could have been one area, location, village or tribe which we do not know.

*(Sen. Karaba spoke off record)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Your time is up, Sen. Karaba.

**Sen. Ongoro:** Mr. Deputy Speaker, Sir, I rise to add my voice to some sentiments that have been raised by fellow Senators. The reason why I raise the concern is because these kinds of reports have got far reaching political implications. They are not light matters. They could kill careers and give wrong impressions on individual Senators. My major worry is that this report casts aspersions on the mandate of the Senate. If you consider why the First Senate was killed, you will see that it was because of such kind of careless implications.

The Senate is being targeted. You know that the Senate is the key pillar supporting devolution. Anybody trying to give the impression that individual Senators in this Senate are not executing their mandate or that they are only performing at 40, 41 or 20 per cent is a wrong implication. Cumulatively, if you consider that, if somebody then comes up with another proposal that why do we need the Senate, what will we say?

The methodology that was used by the company is wanting. Our mandate is enshrined in the Constitution: First is the representation of the people. Secondly, we ensure and protect the welfare of devolution. However, all these cannot be effected without legislation in the Senate.

I sit in this Senate most of the time. Sometimes, I sit as the Chair. I know the contributions from individual Senators. Sen. Karaba here sits in this House almost every day and contributes to almost every Motion. You cannot tell me somebody can sit somewhere and call constituents, most of whom, maybe, are not even privy to what you do in the Senate, do not have television sets or do not even own a handset. This is because the researcher admitted that she used telephones handsets. That means that the majority of your constituents back at home were not given an opportunity to say what they know about their Senator. It was selective to the point that only those who are well off in a county; own handsets and were online at that time responded.

This is completely unacceptable. It is also very negative and unfortunate that at a time this country is grappling with the two-thirds gender issue – which is a hot cake right now – a report in one of the leading daily newspapers gives the implication, whether directly or indirectly, that the presence of women Senators in this House is not felt.

They should have been specific; that the report is specific to the elected Senators and they were talking to their counties. But to give a blanket implication without mentioning that actually they were not including female Senators, could also be targeting and giving the impression that those who are advocating for the scrapping of women seats are right, because even in the Senate women are not heard and are not anything. Women in this Senate have brought Motions and Bills. Their presence and participation is above average, going by all fronts.

Mr. Deputy Speaker, Sir, lastly, Infotrak is now losing credibility. If they are not careful people are going to start taking them for granted for all we care, then they can produce all manner of research findings, but Kenyans will get used to the fact that they sit in their offices and give them what they hear. It is really incredible that as we sit in this Senate, with our legislative agenda and responsibility, the Senators who everybody knows that they do not even make an appearance in the Senate are actually ranked better than everybody who spends their time here interrogating Bills, Motions, giving contributions and shuttling back and forth their counties. It is unfair not just to all the individual Senators here, but also to this country. You sit there almost on daily basis, ensuring that the business of the Senate takes place.

**The Deputy Speaker** (Sen. Kembi-Gitura): Your time is up, Senator.

**Sen. Bule:** Thank you, Mr. Deputy Speaker, Sir. I wish to thank Sen. Abdirahman for bringing this important matter to this House. I am ranked last in the list, but this is just politics. This issue does not worry me. The Infotrak report that ranked Senators based on development or contribution, as captured in *The Daily Nation* is full of lies and seeks to intimidate us. We will not be cowed by such nonsense.

Mr. Deputy Speaker, Sir, my work as the Senator for Tana River is to oversight, represent and protect the interests of the people of Tana River and legislate on issues concerning my county and country at large. This poll results are politically motivated and

an insult to us, as Senators. We cannot hesitate to say that it is nonsense and unacceptable.

I appeal to the Ministry of Information and Communications to scrutinize such reports before they are published in the media. Since we are elected leaders, we have opponents. You cannot just make phone calls to our opponents and do the ranking, yet we are active in this House. We should find out why some Members who do not actually attend the sittings of this House are ranked top, while those of us who are active are at the bottom. That is corruption. We need to shame the devil.

I cannot be judged based on the development activities in Tana River County, because my work is to take money there. I fought hard and money has been allocated to Tana River County.

On the issue of accountability, where my oversight role comes in, we proposed to establish the county oversight boards. However, this matter was taken to court. Why should I then be asked what development projects I have undertaken in Tana River? My work is to contribute in this House and do oversight. But I cannot perform my oversight role effectively until the case regarding the county development boards has been determined.

Mr. Deputy Speaker, Sir, I beg to support.

**The Deputy Speaker** (Sen. Kembi-Gitura): There is no Motion, actually.

**Sen. Bule:** I support the Senator who raised the issue.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you.

**Sen. Hargura:** Thank you, Mr. Deputy Speaker, Sir. I would like to thank the Deputy Minority Leader for bringing up this issue, because it is important that we correct some of the perceptions which are being created in the public.

As public leaders, when you decide to take an elective position, of course, you will be open to any manner of scrutiny and criticism. You cannot run away from it. But what we are asking is for the media to be responsible and put facts clearly, so that the public will have a proper understanding of what they are being asked and how they are responding. For example, what we have is a report ranking the Senators based on their popularity. But if you look at it critically, the question which was asked is just one: "How do you rank your Senator on a scale of 1 to 10; 1 being "poorly" and 10 being "best performing?" Then we are told that maybe about 60 people in each county were asked that question.

We do not know how the sampling was done and how distributed the 60 people were. We have to understand that this is a research which was done almost independently in each county. The question was put to each county concerning the Senator from that county. All these Senators were elected but, of course, not by everybody in their counties. So, if your supporters in your county constituted 50 per cent of the total registered voters, however fair the sampling was, you will not pass that 50 per cent. So, if it was done per county and the results were given the way they have been given, then it would have made sense; without even considering which question was asked.

But what has happened is like having 47 persons sitting for different examinations and then you rank them together. This is because my relationship with the people of Marsabit is not the same as Sen. Bule's relationship with the people of Tana River. In

multi-ethnic communities, those who did not support you will never support you, because the considerations were not even your performance but ethnic. That is why the best performer came from a county which had the same homogeneous community and that is why the ranking was high.

There are some things which we need to understand. When somebody does that kind of a survey independently in each county, then he brings it together assuming that all of us were subjected to the same audience, it is not fair. I am not complaining, I know my performance in the county, the number of supporters I have and the set up of my county but it is not fair when you are lumped together like this. This is not representative; it is actually misleading the Kenyan public.

If somebody was trying to achieve anything out of this, then he or she has not achieved anything because you cannot have 47 persons subjected to different exams, then you rank them together and say this is how they performed when the exams were not the same. If our names were submitted to the 2,800 respondents in the country, then each of them rated, then we can say that this is how we are being rated. But if it was done independently in each county, then it all depends on how that county set up is in terms of the voting pattern, ethnic representation and all that.

That shows that this research is not objective in any way but my take is; next time this kind of research is done, it should be against the performance. We came here to perform a particular task; the public should understand the work of a Senator. Whoever is putting that question, as it was said before, it should be the starting point. You do not ask me a question when I do not know what you are asking me about; then you take my answer and judge somebody with it. The question should be related to our functions as indicated in Article 96 of the Constitution, where we should be talking about how well we are representing, oversighting and protecting our counties. When it comes to that situation because some of us have gone through those kinds of situations where the county ---

**The Deputy Speaker** (Sen. Kembi-Gitura): Your time is up Senator.

**Sen. Melly:** Mr. Deputy Speaker, Sir, I want to go straight to the point. It seems that there is no clear understanding of the mandate of the Senate. In this research, the expectations and responses on the ground are completely different from what the Constitution mandates the Senate to do. If you go to some places, they ask us: "Where is the Constituencies Development Fund (CDF) money meant for the Senate?" This is a challenge because their understanding is that every leader who is elected, should do a project and say that today we are giving a Kshs1 million for the construction of a classroom or a laboratory.

Today, we are asking about the criteria used for the ratings. Is it about the number of harambees a Senator attends or the number of times that a Senator speaks in the Senate? If it is true, then why is it that a number of Senators who do not attend the sittings of this House are ranked the highest? That is why we are doubting the criteria used.

Part of the reasons why some of the Senators are rated poorly is because of facilitation. The Senators are not facilitated the same way as a Member of National Assembly and so they do not access some of the places. When Infotrak conducts the

interview, how do you expect the people on the ground to respond? We cannot access those places as Senators. Some of us have two constituencies while others have 11 constituencies, we are not facilitated but we are rated. I think it is misplaced.

Although we might be having issues, it is good at times to respect the fact that the new Constitution came up with the Senate and as the Second Senate of this great Republic, we are facing so many challenges because this is a new House. If today, we were facilitated to reach constituencies, then we welcome Infotrak to do the research but now things are different on the ground. We cannot even access more than two constituencies.

With those few remarks, I am dissatisfied. I think the correct way to go is to ensure that all the areas are captured before we do any rating. The Senators should have the right facilitation and we should know the criteria that was used to rank the Senators in the respective positions.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Chelule, I had closed the debate but since you have indicated your interest, you have your five minutes.

**Sen. Chelule:** Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to also add my voice to what my fellow Senators have said on the issue of rating. I was surprised to read this in the newspapers and I was wondering what the criteria they used. I was also surprised because the issues of Nominated Senators was not mentioned in any way or are we not Senators? Sen. Ongoro was said that the Infotrak Company is almost losing credibility and it is a shame that they did talk anything about Nominated Senators.

I am aware of Nominated Senators who are very active in this House, who have brought Bills and Motions and are doing a lot of activities with the communities at various counties. I have known some who have been going around this country talking about women issues because we are in this House to represent women nationally. They never told us the criteria they used and even if they used certain criteria, a number one Senator will always remain number one. We always know of Senators who are active in this House and are also active in their various counties, but they were ranked Nos.42, 43 and 50.

I think it is time that whoever is mandated to do research should be vetted. Let us hope that in future they are not going to be given a chance to do a research finding on conflict or food security because we shall be in a mess. If somebody decides to give a wrong research finding about a very important issue pertaining to this country, it will be very bad.

I support the Senator who brought this issue to the House. **The Deputy Speaker** (Sen. Kembi-Gitura): That brings us to a close---

*(Loud consultations)*

Order, Sen. Ndiema! As you all know, this is a Statement that was made by Sen. Abdirahman under Standing Order No.45(2) (a) of our Standing Orders. It is not a Motion or something that will come up with a resolution at the end. It does not require me to make a ruling and so this brings it to an end. I also represent a county, so even without making a ruling, I can make one or two observations on this issue.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

I believe that if you look at Article 33 of the Constitution, you will find that everybody has a right to the freedom of expression.

The only thing I would like to bring to the attention of Infotrak and anybody else who disseminates this kind of information is that Article 33(3) states clearly that:-

“In the exercise of the right to freedom of expression, every person shall respect the rights and reputation of others.”

I underline the words “rights and reputation” because like so many of you have said, reputations could be at stake because of a research carried out in a way that this one was carried out.

Listening to you my colleagues, the only observation I would like to make is that maybe, Infotrak would do much more service to the nation if they carried out a poll that was more useful and helpful. For example, asking the people of this great Republic, whether or not they understand the role of the Senate; putting a question that is helpful and whether they understand what we, as Senators, are supposed to do so that when we have been rated by 2,800 people out of the whole Republic, at least they are answering a relevant question.

I also think very strongly that, maybe, we need to do more civic education so that our people can understand the different roles between the six different levels of elected leaders so that there is no confusion or mix up, so that what is given to the people of this Republic is what is truly correct. It does not matter who was rated where, it is a question of whether or not it was fair. That is the observation I would like to make.

Appreciating at all times, Sen. Abdirahman, that no Speaker can make a sanction in a situation like this one against anybody, be it Infotrak or the Nation Media Group, because Article 33 of the Constitution allows everybody freedom of expression within the limits of the Constitution which are contained in Article 33(3), those are the only observations I would like to make. I would like to thank everybody very much for those very illuminating observations that you made and a very informative debate on an issue that affects all of us and in fact, the nation.

Thank you very much. That brings an end to that matter.

Next order!

### MOTION

#### CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (NATIONAL GOVERNMENT) REGULATIONS, 2015

**Sen. Sang:** Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, the Speaker do now leave the Chair to facilitate consideration of the Public Finance Management (National Government) Regulations, 2015 laid on the Table of the Senate on 17th March, 2015.

*[The Deputy Speaker (Sen. Kembi-Gitura) left the Chair]*

*[The Temporary Speaker (Sen. Ongoro) took the Chair]*

Madam Temporary Speaker, I wish to move this Motion, and in doing so, state that the Sessional Committee on Delegated Legislation, together with the Committee on Finance, Commerce and Budget of the Senate considered these regulations. The draft regulations were submitted to the Senate by the National Treasury on 13<sup>th</sup> March, 2015. These regulations are: The Public Finance Management (National Government) Regulations, 2015, the Public Finance Management (County Government) Regulations, 2015 and the Legal Notice on the declaration of national Government. Though they were submitted jointly, we separated them courtesy of the advice of the Speaker so that we can proceed in a systematic manner.

Madam Temporary Speaker, the regulations with regard to the Public Finance Management (National Government) Regulations, has the following purposes:-

(1) To provide a means for administering the powers vested on the Cabinet Secretary (CS) of the national Treasury under the Constitution, the Act and any other related legislation.

The regulations give the power to administer this Act to the Cabinet Secretary.

(2) To provide a harmonized and standardized way of applying the governance service in controlling and managing finances.

Madam Temporary Speaker, we need to have a harmonized and standardized application of the management of finances in this country. These regulations seek to provide that. Again, it sets out the standardized financial management system to be used in the Government service which is capable of producing accurate and reliable accounts free from errors, fraud and the likes.

(3) To provide for the conduct of fiscal relations between the national and county governments.

(4) To ensure accountability, transparency and effective economic and efficient collection and utilization of resources.

Madam Temporary Speaker, these regulations are fairly technical. In terms of the guidance we received from the Speaker, we engaged jointly with Members of the Standing Committee on Finance, Commerce and Budget, so that we can engage ourselves on these regulations and take them through. We will be taking very little time on moving this Motion because we have detailed amendments to provide and make so that we can finalise this process.

I also wish to bring to the attention of this Senate that these regulations have a deadline of tomorrow. Therefore, we have a long day ahead of us tomorrow to deal with the details of the amendments. We want to appreciate the Cabinet Secretary for the National Treasury for generating fairly elaborate regulations. As a Senate, we will continue to engage and do our role.

The transmission of these regulations was pursuant to the Public Finance Management (PFM) Act, Section 206 which provides that these regulations must be approved by this House before they become effective. The same Act provides that this has to be done within 15 sitting days. Those days will lapse tomorrow. That is why we need to finalise the process and ensure that we have the necessary amendments to these regulations.

Madam Temporary Speaker, we are guided by one key principle of accountability. We have to ensure that the resources that are available to the Government, whether at the national or county level are effectively utilized. This country has witnessed a lot of wastage in terms of public resources and this leads to situations where the public is unable to get the resources and the services they require because we lose a lot of resources through corruption and loopholes that some of the legislations and Acts of Parliament have provided. These regulations seek to seal some of those loopholes and ensure that the management of public resources is done for the good.

Therefore, I will be urging the Members of this Senate, that within the next 20 minutes, we finalise this Motion and the next one so that we can meet the deadline of 15 sitting days which lapses tomorrow for us to approve the necessary amendments. We hope that we will be done with this Motion in the next ten minutes and finalise the second one so that tomorrow, we can carry out the necessary amendments and meet the deadline of 15 sitting days which lapse tomorrow.

With those very few remarks, I beg to move and ask the Senator for Makueni, Sen. Mutula Kilonzo Jnr., to second this Motion

**Sen. Mutula Kilonzo Jnr.:** Thank you, Madam Temporary Speaker. I rise to second this Motion by my Vice Chairman. However, as I do so, I want to say that this is one of those regulations that have been an eye opener for us as the Senate, whereupon, we have discovered that the Public Finance Management (PFM) Act as drafted required that these regulations be first published in the Kenya Gazette, and thereafter, be brought for approval by the Senate and the National Assembly. We have information that in the case of the National Assembly, they have not complied with the timelines. Broadly, we are actually the saviors of this nation in as far as these regulations are concerned because they are detailed.

For example, let me start with the legal notice for declaration of national Government entities. In our proposal in the Committee, we have identified up to ten organizations which are listed as national Government entities, which in our view, ought to be county governments' entities. Organizations or entities that provide water and sanitation include Lake Victoria South Water Services Board, Tana Water Services Board, Coast Water Development Authority, Kerio Valley Development Authority, Tana River Development Authority and many others. These are functions that are vested entirely under the county governments. It was our position and we will state in the proposals to amend these regulations particularly on the national Government entities that these organizations and/or entities be provided in the list for county government entities.

Madam Temporary Speaker, there are concerns on whether or not this will complicate the issue of budgets. In our view, the question of budgets will not be affected and we will demonstrate by listing the entities that are providing functions of water and sanitation to the counties, because we need to transfer the funds to the counties which will be used to discharge these functions. A controversy arose because the President, in his wisdom, appointed several persons under these national Government entities or state organs. There was presumption that those regulations had become law. That is why I am saying that in this particular case, the PFM Act has been an eye opener for the Senate because the regulations---



**Sen. Sang:** On a point of order, Madam Temporary Speaker. I am sorry to interrupt my colleague, who is Seconding my Bill. I just want to point out to the Senator that whereas we considered the three regulations at ago, in terms of moving, we were directed by the Speaker's Office to split them. So, this Motion relates to the PFM Regulations (National Government) only. We are hoping that we will be through in the next few minutes, and then proceed to the Motion on the county governments while the national Government entities is likely to come tomorrow. This is just to restrict ourselves to the national Government one, so we are able to conclude.

**The Temporary Speaker** (Sen. Ongoro): Thank you, Sen. Sang. That was a point of information and not a point of order.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Madam Temporary Speaker. I still think that I will comply.

The purpose of the financial regulations in respect of the national Government is to point out some key highlights in the financial regulations with regard to how the national Government operates its funding and the manner in which the national Government will deal with the splitting of finance and relate to county governments in respect of the function of finance. It is amazing that for the last two years, the national Government and also to some extent the county governments, have been operating without these regulations.

These regulations would go into the details of how, for example, the Cabinet Secretary in charge of Treasury can freeze transfers to counties. That portion of the regulation in respect of that function was captured in this. Therefore, these regulations would put in place a proper mechanism in law to inform the country, counties and other entities dealing with the Government how the financial standards and the financial law under the Public Finance Management Act is supposed to work.

Madam Temporary Speaker, the purpose of these regulations is to offer the Cabinet Secretary in charge of Finance the leeway and the extrapolation of the powers that have been conferred to him and to his Ministry under the Act. We have gone into great detail, listened to several persons with regard to these regulations and we think that once we present the amendments that we proposed, we will put the perspectives from the public to the extent that the organizations including the Commission on Revenue Authority (CRA) and the persons in charge of the directorate of Integrated Financial Management Information System (IFMIS). For the longest time ever, we have been stating that counties must adopt IFMIS but that role lies with the Director of IFMIS who sits at the national level and is regulated by the Public Finance Management Act.

Our role in supporting this Motion and putting in place these regulations is to find a method under which the office of the Director of IFMIS would enforce that system both at the national and county level. Most of you would have noticed that when the President went to launch Terminal II at Jomo Kenyatta International Airport (JKIA), he talked about e-procurement. These regulations, together with what we will be doing tomorrow, are the ones that will enlighten and tell the AIE holders how they ought to work in so far as e-procurement is concerned.

With those few remarks, I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

CONSIDERATION OF PUBLIC FINANCE MANAGEMENT  
(COUNTY GOVERNMENTS) REGULATIONS, 2015

**Sen. Sang:** Madam Temporary Speaker, I beg to move:-

THAT, the Speaker do now leave the Chair to facilitate consideration of the Public Finance Management (County Governments) Regulations, 2015 laid on the Table of the Senate on 17<sup>th</sup> March, 2015.

Madam Temporary Speaker, this is a Motion similar to the one that we have just moved but this is related only to county governments. Therefore, we beg that Members support this Motion and that tomorrow we will have comprehensive amendments to the Motion.

I do not intend to take much more time than that. I beg to move and request Sen. Mutula Kilonzo Jnr. to second.

**Sen. Mutula Kilonzo Jnr.:** Madam Temporary Speaker, I beg to second the Motion. Similarly, the methods of dealing with financial matters in counties is now put here in detail; how county government entities, County Executive Committees (CECs) or finance officers will be called upon to account for finances at counties is extrapolated in detail. In the regulations, we no longer have guess work.

The two most important issues for me are; one, counties will be able to set up funds. They have been paying for bursaries and many other things without a fund but now they we will run a fund to educate children under the proposed regulations. Two, there will be a body where the county governor together with the CECs will sit to discuss matters of finance.

I beg to support and state that this is the way to go. This is the new birth of financial matters in counties.

*(Question proposed)*

**The Temporary Speaker** (Sen. Ongoro): I see no interest to speak on this. I, therefore, proceed to put the question.

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Ongoro): Let us go to the next order.

**BILL**

*Second Reading*

THE PARLIAMENTARY SERVICE (AMENDMENT) BILL

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

(SENATE BILL NO. 21 OF 2014)

*(Sen. Murungi on 5.5.2015)*

*(Resumption of debate interrupted on 7.5.2015)*

**The Temporary Speaker** (Sen. Ongoro): This is resumption of debate. Any Senator wishing to speak on this can simply log in.

**Sen. Sang:** Madam Temporary Speaker, I wish to support this Bill. Since the inception of this Senate, this afternoon, we have discussed some of the perception and challenges that this Senate faces partly because we have not had an opportunity to carry out civic education. Senators have not been facilitated to carry out their responsibilities in accordance with Article 96 of the Constitution. Part of the reason is that the Parliamentary Service Commission (PSC) as is currently constituted has not provided the necessary facilitation to this Senate. For a Senator who represents six, 12 or 18 constituencies to be given similar facilitation as a Member of the National Assembly representing one constituency is a joke. Therefore, the Bill to establish two divisions within the PSC ---

**The Temporary Speaker** (Sen. Ongoro): Sen. Sang, you have 13 minutes to continue when this matter comes up tomorrow.

#### ADJOURNMENT

**The Temporary Speaker** (Sen. Ongoro): Hon. Senators, it is now 6.30 p.m. It is time for interruption of business of the Senate. The Senate stands adjourned until tomorrow, Wednesday, 20<sup>th</sup> May, 2015 at 2.30 p.m.

The Senate rose at 6.30 p.m.